

EXHIBIT 11

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : AUGUST 24, 2021

NO. X-06-UWY-CV18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
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**MOTION FOR SANCTIONS BASED ON
THE JONES DEFENDANTS' FAILURE TO PRODUCE
WEB AND SOCIAL MEDIA DATA AND ANALYTICS**

“An order of the court must be obeyed until it has been modified or successfully challenged, and the consequences for noncompliance may be severe indeed.” *Lafferty v. Jones*, 336 Conn. 332, 381 (2020) (quoting *Fox v. First Bank*, 198 Conn. 34, 40 n.3 (1985)), *cert. denied*, 2021 WL 1240941 (U.S. Apr. 5, 2021). For two and a half years, the Jones defendants have been under a court order to produce sales, marketing, and web-analytics data, including Google Analytics data. The Court set a “final” deadline for production of the “already overdue supplemental compliance” for June 28, 2021. Order, Dkt. 348.10, June 2, 2021. It expressly warned that “[f]ailure to comply with this order may result in sanctions including but not limited to a default.” *Id.* The Jones

defendants violated that order and did so based on inaccurate and incomplete representations concerning the supposed difficulty of producing the requested information.

In addition, for more than two and a half years, the Jones defendants have been under a court order to produce all communications or documents concerning social media marketing and analytics. For years, they represented that they possessed none. The deposition of [REDACTED]

[REDACTED] came and went. Then, during a [REDACTED]
[REDACTED]
[REDACTED]

This conduct continues the pattern of “continuing misconduct” that “demonstrates a deliberate disregard for the court’s orders.” *Lafferty*, 336 Conn. at 380–81 (quoting approvingly *Emerick v. Town of Glastonbury*, 177 Conn. App. 701, 737 (2017)’s justification for affirming a sanction of dismissal). The Jones defendants’ noncompliance is prejudicial and requires the entry of the most serious possible sanction.

I. FACTUAL AND PROCEDURAL BACKGROUND

A. The Orders Requiring the Jones Defendants to Produce Web and Social Media Marketing and Analytics Data and the Jones Defendants’ Previous Refusal to Produce Them

More than two and a half years ago, this Court ordered the Jones defendants to produce materials responsive to the plaintiffs’ Requests for Production Nos. 15, 16, and 17, which covered marketing, sales, and web-analytics data. Order, Dkt. 148.00, Jan. 10, 2019; Defs.’ Obj. to Plaintiffs’ Rev. Disc. Requests, Dkt. 146.00, Jan 9, 2019.

The Court specifically addressed the Jones defendants’ nonproduction of Google or other web analytics data on March 22, 2019. Ex. A, 3/22/19 Hrg. Tr. 19. After addressing it repeatedly with no result, it finally held that the “print out produced in response to production requests 15-17

is simply not full and fair compliance.” Order, 255.10, June 10, 2019. It found that court-ordered “depositions confirm[ed] that the Google Analytics account is accessed and utilized by some employees of the defendants.” *Id.* It warned that it would “consider appropriate sanctions for the defendants’ failure to fully and fairly comply should they not produce the data within one week.” *Id.*

They did not produce it. The Court sanctioned the Jones defendants for failure to produce that data, and for “repeatedly ignored court deadlines and continued to challenge the underlying merits of discovery, even after the court found the requisite good cause to allow discovery.” *Lafferty*, 336 Conn. at 376. Based on this pattern of “obfuscation and delay,” including on the discovery of web analytics, and other litigation misconduct, this Court imposed sanctions. *Id.* Those sanctions were affirmed by the Supreme Court. *Id.*

Even after sanctions were affirmed, the Jones defendants did not produce in response to the Court’s orders. After contacting the Jones defendants’ counsel requesting compliance with the long-outstanding discovery—and receiving no response—the plaintiffs moved re-compel it yet again. Mot. to Re-Compel Compliance, Dkt. 309.00, Nov. 12, 2020. During a telephonic meet-and-confer three days later, the Jones defendants took the position that they had no obligation to comply with existing discovery. Aff. of Meet & Confer ¶ 15, Dkt. 313.00, Nov. 18, 2020. The next day, the Jones defendants noticed removal for the second time in this case. Not. of Removal, Dkt. 312.00, Nov. 16, 2020.

The federal district court rejected that removal and remanded the case to this Court again on March 5, 2021. Remand, Dkt. 316.00, Mar. 5, 2021. The case was returned to this Court for the third time. The Jones defendants had been under court order to produce sales, marketing, and web-analytics data for more than two years. Rather than do so, they argued that this Court’s sanctions

order—which had been based in large part on their refusal to produce exactly these still-outstanding materials—“necessarily terminated” their production obligations. Defs.’ Mem. in Opp. to Mot. 1–2, Dkt. 332.00, May 5, 2021. They also argued, yet again, that the original discovery ordered by this Court was “excessive.” *Id.* at 2. On May 14, 2021, the Court rejected their arguments, finding that “[t]he obligation of the defendants to fully and fairly comply with the discovery requests at issue was not extinguished.” Order, Dkt. 339.10. Finally, it ordered set a “final” deadline of June 28, 2021 for production of the “already overdue supplemental compliance,” including Google and any other web analytics. Dkt. 348.10. It expressly warned the Jones defendants that their failure to produce the analytics by the final deadline of June 28, 2021 “may result in sanctions including but not limited to a default.” *Id.*

B. The Jones Defendants’ Continued Refusal to Provide Court-Ordered Information

1. Google Analytics

June 28 was a Monday. On the Thursday afternoon before production was due, counsel for the Jones defendants sent the plaintiffs’s counsel a letter representing that the Google Analytics data “cannot be produced as an export,” and therefore could not be provided. Ex. B, Letter from Jay Wolman to Christopher Mattei, *et al.*, June 24, 2021. Instead, for the first time,¹ the Jones defendants proposed a “sandbox approach,” where the plaintiffs would be allowed to access the Jones defendants’ Google Analytics accounts and “inspect the dataset” for a limited period of time under the supervision of the Jones defendants. *Id.* The plaintiffs rejected this proposal, noting that they disagreed with the representation that the Analytics “cannot be produced” and that this

¹ Although Attorney Wolman’s letter represents that he made this proposal at the June 2, 2021 hearing, the transcript of that hearing does not appear to have any reference to it. 6/2/21 Hrg. Tr. Plaintiffs’ counsel have no memory of it being mentioned in a prior telephone conversation.

position was “not consistent with the information [the Jones defendants] provided to the Court.” Ex. C, Letter from Christopher Mattei, *et al.*, to Jay Wolman, June 25, 2021.

The Jones defendants’ counsel responded that “there is no inconsistency,” and that “to export the raw data, one must be an Analytics 360 member, i.e. a premium member.” Ex. D, Letter from Jay Wolman to Chris Mattei, June 25, 2021. “Free Speech Systems is not an Analytics 360 member,” they continued. “[T]herefore it is impossible for it to export the data.” *Id.* Defense counsel reiterated his position that, to obtain the discovery, the plaintiffs should pay \$150,000 for the Jones defendants to obtain a premium Google Analytics membership. *Id.* In a meet-and-confer telephone call on July 13, 2021, counsel for the Jones defendants reaffirmed this statement. Pls.’ Meet & Confer Aff. ¶ 10, Dkt. 426.00, July 26, 2021. He was asked: “So you’re telling me that what data you do have access to through their Google Analytics platform, they cannot download or export?” *Id.* He responded: “Yes. Google does not allow it for non-Analytics 360 members, [the Jones defendants] do not have a 360 membership, ergo, it cannot be produced.” *Id.*

2. Social Media Analytics

In addition to the analytics discussed above, the Court’s order of January 10, 2019 ordered the production of:

All communications and/or documents concerning marketing data or analytics concerning you, Infowars, or the other Jones Defendants, and/or any other medium, including radio, on which you or the Jones Defendants broadcast, either to, from, or concerning:

- a. Alphabet Inc., or any subsidiary or property thereof
- b. Facebook, Inc., or any subsidiary or property thereof
- c. Twitter, Inc., or any subsidiary or property thereof
- d. Oath Inc., or any subsidiary or property thereof
- e. Snap Inc., or any subsidiary or property thereof
- f. Apple Inc., or any subsidiary or property thereof

Defs.’ Obj. ¶ 17, Dkt. 146.00; Dkt. 148.00. By including subsidiaries, this Request included

documents and communications concerning not only named social-media platforms like Facebook and Twitter, but also Instagram (owned by Facebook), Google (owned by Alphabet), and YouTube (owned by Alphabet).

The Jones defendants never produced any discovery materials regarding their social media data or analytics. The defendants responded to the plaintiffs’ interrogatories regarding social media analytics by stating, “All responsive documents have been provided to plaintiff’s counsel.” Dkt. 218.00–222.00. During a subsequent hearing, the Jones defendants were asked explicitly about marketing and analytics, and responded, “[W]e have provided everything.” Ex. E, 5/7/19 Hrg. Tr. 14:26–15:15.

After the sanctions against them were affirmed and the case returned to this Court, the Jones defendants still produced no such documents. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A month later, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] To this date, the plaintiffs have not received these reports through formal discovery.

II. LEGAL STANDARD

Practice Book § 13-14 authorizes the Court to impose sanctions for a party's failure to comply with discovery orders. Pract. Book § 13-14(a). Section 13-14(b) sets forth a non-exhaustive list of potential penalties, including entry of non-suit, the award of fees associated with enforcement of court orders, evidentiary restrictions, etc. The Court also has inherent power to order sanctions. *Evans v. Gen. Motors Corp.*, 277 Conn. 496, 522–24 (2006); *Millbrook Owners Ass'n, Inc. v. Hamilton Standard*, 257 Conn. 1, 14 (2001).

“[A] court may, either under its inherent power to impose sanctions in order to compel observance of its rules and orders, or under the provisions of [Practice Book] § 13–14, impose sanctions[.]” *Evans*, 277 Conn. at 522-24 (quoting *Millbrook Owners Ass'n, Inc.*, 257 Conn. at 14). The decision “to enter sanctions . . . and, if so, what sanction or sanctions to impose, is a matter within the sound discretion of the trial court.” *Evans*, 277 Conn. at 522-24. “[T]he court’s discretion should be exercised mindful of the policy preference to bring about a trial on the merits of a dispute whenever possible and to secure for the litigant his day in court[.]” *Id.* (quoting *Millbrook Owners Ass'n, Inc.*, 257 Conn. at 14). “The design of the rules of practice is both to facilitate business and to advance justice[.]” *Id.* (quoting same).

The standard for imposing and reviewing sanctions for violation of discovery orders requires that (1) “the order to be complied with must be reasonably clear”; (2) “the record must

establish that the order was in fact violated”; and (3) “the sanction imposed must be proportional to the violation.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18; *Giblen v. Ghogawala*, 111 Conn. App. 493, 497–98 (2008). “In determining the proportionality of a sanction to a violation, we have in the past considered the severity of the sanction imposed and the materiality of the evidence sought . . . whether the violation was inadvertent or wilful . . . and whether the absence of the sanction would result in prejudice to the party seeking the sanction.” *Giblen*, 111 Conn. App. at 497–98 (quoting *Forster v. Gianopoulos*, 105 Conn. App. 702, 711 (2008)).

III. ARGUMENT

This Court issued multiple applicable orders that were “reasonably clear.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18. The record establishes “that the order[s] [were] in fact violated.” *Id.* The Jones defendants’ noncompliance is prejudicial to the plaintiffs: the relevant discovery is highly material, and the Jones defendants’ refusal to produce it has compromised the plaintiffs’ ability to use it in the discovery process. This Court warned the Jones defendants that “[f]ailure to comply with this order may result in sanctions including but not limited to a default.” Order, Dkt. 348.10. Default is the appropriate sanction.

A. The Court’s Orders Were Crystal Clear

In order for sanctions to issue, “the order to be complied with must be reasonably clear.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18. The orders at issue here were crystal. In its original order two and a half years ago, the Court ordered the Jones defendants to produce materials responsive to the plaintiffs’ Requests for Production Nos. 15, 16, and 17, which covered marketing, sales, and web-analytics data. Dkt. 148.00. Request for Production No. 15 asked for “[a]ll marketing data, web analytics, sales analytics, and/or other web traffic data concerning you, Infowars, and/or any website, social-media, or other internet-based profile that you or the Jones

Defendants own and/or control.” Pls.’ First Spec. Req. for Prod’n ¶ 15. Request for Production No. 16 demanded “[a]ll marketing data or analytics concerning you, Infowars, or the other Jones Defendants, and/or any other medium, including radio, on which you or the Jones Defendants broadcast.” *Id.* ¶ 16. Request for Production No. 17 requested “[a]ll communications and/or documents concerning marketing data or analytics concerning you, Infowars, or the other Jones Defendants, and/or any other medium, including radio, on which you or the Jones Defendants broadcast, either to, from, or concerning” all the major social media platforms. Pls.’ First Spec. Req. for Prod’n ¶ 17. The Jones defendants’ production obligations regarding social media and web analytics were clear.

On June 16, 2021, this Court sanctioned the defendants in part because of their repeated failure to produce Google Analytics. *Lafferty*, 336 Conn. at 376. In May, after the case’s return to Connecticut Superior Court, this Court rejected their arguments against production and of analytics and held “[t]he obligation of the defendants to fully and fairly comply with the discovery requests at issue was not extinguished.” Dkt. 339.10. In another follow-on order, the Court set a “final” deadline for production of the “already overdue supplemental compliance,” including Google and any other web analytics, for June 28, 2021. Dkt. 348.10. It noted that it “decline[d] the Jones defendants’ invitation to address, again, the scope of appropriate discovery” and that “the outstanding discovery responses were due over two years ago.” *Id.* This order expressly warned the Jones defendants that their failure to produce the analytics by the final deadline of June 28, 2021 “may result in sanctions including but not limited to a default.” *Id.*

A. The Jones Defendants Violated the Court's Orders

Another requirement for sanctions is that “the record must establish that the order was in fact violated.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18. There is no question that the Court’s orders were violated here.

1. The Jones Defendants Violated the Court's Orders to Produce Google Analytics Data

The Jones defendants did not produce the Google Analytics data by June 28, 2021. They still have not produced it. This is an unexcused violation of the Court’s order, and it requires the imposition of sanctions.

2. The Jones Defendants Continued Their Pattern of Obfuscation and Delay with this Violation

The Jones defendants did not produce the Google Analytics data as ordered. As the Court has repeatedly said, a court-set deadline must be complied with, or a motion directed to that deadline needs to be filed and adjudicated before the deadline passes. The Jones defendants chose not to file that motion. Rather, they again chose unexcused disobedience of a Court order, forcing the plaintiffs to bring the violation to the Court’s attention.

To excuse their noncompliance, moreover, the Jones defendants chose to rely on the notion that production would be very costly, an argument that the Court had already rejected. In support of their excuse, the Jones defendants made inaccurate and incomplete representations concerning the capabilities of their Google Analytics account. This began in argument before the Court on June 2, 2021. During that argument, the Jones defendants represented that utilizing the Google Analytics “export method” required “a premier membership” that “would cost at least \$150,000.” Ex. H, 6/2/21 Hrg. Tr. 15:10–16. (They maintained “this cost should be borne by [the plaintiffs].” *Id.* at 17:16–17.) They then argued that the data should not be produced at all, contending that “the

amount of labor . . . required is not proportionate to the needs of the case.” *Id.* at 17:19–18:6. This Court rejected these arguments and ordered the Jones defendants to produce the data by June 28, 2021. Order, Dkt. 348.10, June 2, 2021 (noting that it “decline[d] the Jones defendants’ invitation to address, again, the scope of appropriate discovery” and that “the outstanding discovery responses were due over two years ago”).

Ignoring the fact that the Court had already rejected the argument, the Jones defendants raised this excuse again in their June 25 letter to counsel: “to export the raw data, one must be an Analytics 360 member, i.e. a premium member.” Wolman Letter, June 25, 2021. “Free Speech Systems is not an Analytics 360 member,” they continued. “[T]herefore it is impossible for it to export the data.” *Id.* Free Speech Systems repeated this statement in its Notice of Compliance. It further represented that “Free Speech Systems does not possess, have custody, or control the Google Analytics dataset in a manner that would permit export.” Dkt. 377.00 at 2, June 28, 2021.

These representations were inaccurate and misleading. The plaintiffs retained a Google Analytics expert to assess what export capabilities an ordinary Google Analytics account has, and submit his affidavit in support of this Motion. “Like all Google Analytics users, the users of the Infowars.com Google Analytics account have access to the Export function.” Ex. I, Affidavit of Jordan Campbell ¶ 9. Indeed, the “EXPORT button is clearly visible on” the very screenshots the Jones defendants provided as an exhibit to their motion for a protective order on May 30, 2021. *Id.* This export function allows the user to export the Google Analytics data in 4 different formats: PDF, Google Sheets, XLSX and CSV.” *Id.* ¶ 8. “Exporting in those formats keeps the data organized and allows it to be manipulated by the recipient, as the original user could do.” *Id.* Using an expert protocol, the data ordered by the Court could be exported using this basic EXPORT

function.² *Id.* ¶ 10. The Jones defendants’ claim that an expensive Google 360 membership is required to comply with the Court’s order is inaccurate and misleading: “[I]t is not true that ‘to export the dataset, one must be a Google Analytics 360 user.’” *Id.* ¶ 11.

Relying on the Analytics 360 excuse, the Jones defendants refused to produce the required Google Analytics data. Instead, they proposed a “sandbox approach” four days before the deadline. Wolman Letter, June 24, 2021. As the Jones defendants’ letter itself admitted, this was not production, but an offer of inspection. *Id.* (noting proposal would allow the plaintiffs to “inspect the data set”). This approach, moreover, “would allow the Jones defendants to observe, surveil, and/or record all the plaintiffs’ actions within the Google Analytics account, including any searches or other analysis that the plaintiffs or their experts might perform on the data while they had access to it.” Campbell Aff. ¶ 16; Defs.’ Notice of Compliance 2 n.3, Dkt. 377.00 (noting that the approach “would necessarily require supervision by Free Speech Systems”). This would be a clear invasion of the work-product doctrine. *See Barksdale v. Harris*, 30 Conn. App. 754, 760 (1993) (“The work product doctrine protects an attorney’s . . . ‘mental impressions, personal beliefs and countless other tangible and intangible [items].’” (quoting *Hickman v. Taylor*, 329 U.S. 495, 511 (1947))); Conn. Practice Book § 13-3 (codifying work-product privilege).³

² Exporting this data in this manner would require neither technical expertise nor an inordinate amount of labor. “[U]sing the free export function described above, a user of the relevant account could easily export complete, accurate and readily useable data as Excel (xlsx) files.” Campbell Aff. ¶ 10. “[E]xporting the data would take a computer literate user following a simple protocol under a week to complete the exports and possibly would require even less time.” *Id.* (noting that “a computer literate user” means “someone with simple data entry skills”). “The development of an appropriate export approach” would take “approximately 30 minutes.” *Id.* Implementation of such a “step-by-step protocol . . . would be a simple process.” *Id.*

³ When plaintiffs’ counsel raised these defects during the parties’ meet-and-confer call of July 13, 2021, the Jones defendants acknowledged them but argued they were immaterial to it being sufficient production. Aff. of Attempt to Resolve Discovery Objection ¶ 9, Dkt. 426.00, July 26, 2021.

3. The Jones Defendants Violated the Court's Orders Regarding Social Media Data and Analytics

Likewise, for roughly two and a half years, the Jones defendants were under a court order to produce all available analytics for social media accounts under their control. They produced none. Meanwhile, they repeatedly represented that they had made all responsive production. *See* Dkt. 218.00-222.00. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

They still have not been formally produced in discovery. Even if they were, there is no indication that they would constitute complete production under the relevant requests for production. The Jones defendants violated the Court's order in failing to produce these documents for two and a half years—and potentially continuing to improperly withhold others.

4. Given the History of the Jones Defendants' Conduct, Default is the Only Appropriate Sanction

“[T]he sanction imposed must be proportional to the violation.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18. Default and dismissal are the severest sanctions.⁴ In general, Connecticut “practice does not favor the termination of proceedings without a determination of the merits of the controversy where that can be brought about with due regard to necessary rules of procedure.” *Millbrook Owners Ass’n, Inc. v. Hamilton Standard*, 257 Conn. 1, 16 (2001). But “‘where a party [has] show[n] a deliberate, contumacious or unwarranted disregard for the court’s authority,’” dismissal or default “of the entire case may constitute an appropriate sanction.” *MacCalla v. Am.*

⁴ There exist more Connecticut cases addressing sanctions of dismissal than default. However, our courts seem to deal with them interchangeably. There is no indication that a sanction of default must meet a test different from that for one of dismissal. For this reason, while this Motion emphasizes default cases, it refers at times to dismissal cases as well.

Med. Response of Connecticut, Inc., 188 Conn. App. 228, 239 (2019) (quoting *Emerick v. Glastonbury*, 177 Conn. App. 701, 736 (2017) and affirming sanction of dismissal for attorney’s improper behavior in deposition). Under such circumstances, the ultimate sanction “serves not only to penalize those whose conduct warrants such a sanction but also to deter those who might be tempted to such conduct in the absence of such deterrent.” *Pavlinko v. Yale-New Haven Hosp.*, 192 Conn. 138, 145 (1984) (citation omitted).

In determining the proportionality of a sanction of default, Connecticut courts have “considered the severity of the sanction imposed and the materiality of the evidence sought . . . whether the violation was inadvertent or wilful . . . and whether the absence of the sanction would result in prejudice to the party seeking the sanction.” *Forster v. Gianopoulos*, 105 Conn. App. 702, 711 (2008) (internal citations omitted); *Spatta v. American Classic Cars, LLC*, 150 Conn. App. 20, 27 (2014) (noting the “trial court may consider not only the presence of mistake, accident, inadvertence, misfortune or other reasonable cause . . . factors such as [t]he seriousness of the default, its duration, the reasons for it and the degree of contumacy involved . . . but also, the totality of the circumstances, including whether the delay has caused prejudice to the nondefaulting party”).

First, after two and a half years, multiple court orders, a litigation sanction confirmed by our Supreme Court, and express warning that “[f]ailure to comply with this order may result in sanctions including but not limited to a default,” Order, Dkt. 348.10, there can be no doubt that the Jones defendants’ failure to comply is “deliberate” and “contumacious.” *MacCalla*, 188 Conn. App. at 239; *Spatta*, 150 Conn. App. at 27.

Moreover, the materials sought here are significant to important aspects of the plaintiffs’ case, and their deprivation is prejudicial. The plaintiffs’ complaint alleges that “Jones has

deliberately employed [] false narratives about the Sandy Hook shooting, the victims, and their families as part of a marketing scheme that has brought him and his business entities tens of millions of dollars per year.” Sherlach Compl. ¶ 11. It alleged that “the Jones defendants concoct elaborate and false paranoia-tinged conspiracy theories because it moves product and they make money . . . not because they are eager to educate or even to entertain their audience.” *Id.* ¶ 103. It alleged that “[t]he false claim that the Sandy Hook shooting was a government-sponsored hoax designed to lead to gun control was therefore a prime narrative for attracting, augmenting, and agitating Jones’s audience.” *Id.* ¶ 98. These allegations are significant to the plaintiffs’ Connecticut Unfair Trade Practices Act claims. *Id.* ¶¶ 465–474 (alleging that the Jones defendants “unethically, oppressively, immorally, and unscrupulously developed, propagated, and disseminated outrageous and malicious lies about the plaintiffs and their family members, and they did so for profit,” a “deceptive practice and offended public policy”). Web-analytics and social media data for the Jones defendants’ websites and social media profiles is potentially key for demonstrating these points.

Additionally, the Jones defendants’ motivations for their actions are highly relevant not only for assessing what punitive damages are appropriate, but also in evaluating the intentionality of their actions, and/or whether their broadcasts were done with actual malice. Web and social analytics are relevant and could be material to these claims. Courts have held that “pressure to produce sensationalistic or high-impact stories *with little or no regard for their accuracy* would be probative of actual malice.” *Tavoulareas v. Piro*, 817 F.2d 762, 796-97 (D.C. Cir. 1987) (*en banc*) (emphasis in original). Likewise, “evidence that a defendant conceived a story line in advance of an investigation and then consciously set out to make the evidence conform to the preconceived story is evidence of actual malice, and may often prove to be quite powerful

evidence.” *Harris v. City of Seattle*, 152 Fed. App’x 565, 568 (9th Cir. 2005). The Jones defendants’ analytics are therefore potentially highly relevant to proving how these claims are borne out in the Jones defendants’ business practices.

Moreover, the Jones defendants themselves have taken the position that the Google Analytics data is highly material. They claimed that their “records show that, at most, they made \$342.55 from article and page referrals that contained the term ‘Sandy Hook’ out of a total of \$10.6 million in overall sales generated from site traffic.” Defs.’ Emerg. Mot. 3, Dkt. 348.00. They argued that that amount contradicted “*the whole theory of the case*,” which according to them, “is that [the Jones defendants] are *somehow motivated to do Sandy Hook stories to get money*.” 6/2/21 Hrg. Tr. 17:19–18:6 (emphasis added). They “want[ed] to highlight” the data because, according to them, it “[s]eems like this is a loser of a story in terms of moneymaking.” *Id.* In doing so, they were asking the Court simply to take their word that the data does not bear out the plaintiffs’ “whole theory of the case”—and decide no one needs to see it at all. Whatever the illogic of this argument, it acknowledges that the data is highly material.⁵

This was not the first time the Jones defendants had argued this information is material. On June 12, 2019, the Jones defendants broadcast an episode of the Alex Jones Show entitled “GOOGLE’S ANALYTICS PROVE INFOWARS HAS NO SANDY HOOK MARKETING: Specialist destroys MSM agenda.” Ex. J, Alex Jones Show, *Google’s Analytics Prove Infowars Has No Sandy Hook Marketing*, Infowars.com (June 12, 2019). In it, FSS IT manager Michael Zimmerman joined Jones “to show and prove how, contrary to Democrat attorneys and judges,

⁵ Notably, for these representations to be true, the Jones defendants must have enabled the e-commerce function of Google Analytics back in 2012, and they must have “very significant” e-commerce data that they have failed to provide the plaintiffs. Campbell Aff. ¶ 15. If they did not have this function enabled—and they do not have that data—then their representation cannot establish what it purports to establish, *id.*, and is misleading.

Infowars has no alleged ‘Sandy Hook marketing’ and makes no money from Sandy Hook video views, which happen to be less than 1% of all views.” *Id.*

Lastly, the refusal to produce this information is prejudicial because it materially impedes discovery. The plaintiffs should have received this information years ago. They should have been able to depose the Jones defendants’ [REDACTED] [REDACTED] regarding the performance of their social media. They should have been able to plan their approach to discovery based on a thorough analysis of both the withheld Google Analytics data and the late-produced and partial social media analytics.

For all these reasons, the Jones defendants’ refusal to produce this information is highly prejudicial.

IV. CONCLUSION

For all the foregoing reasons, the plaintiffs’ motion should be granted. The plaintiffs ask that the Court find as follows:

1. The Google Analytics data was not produced;
2. The non-production was deliberate and unexcused;
3. In an order to delay or avoid production, the Jones defendants presented misleading, inaccurate and incomplete information concerning the capabilities of their Google Analytics account;
4. The noncompliance is highly prejudicial;
5. The late and only partial production of social media analytics is also unexcused and prejudicial.

The plaintiffs request that the Court consider this conduct in combination with the additional sanctionable conduct committed by the Jones defendants to date in determining that the only proportional sanction is default.

THE PLAINTIFFS,

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CERTIFICATION

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and *pro se* appearances as follows:

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EXHIBIT A

NO: XO6 UWY CV18-6046436-S: NO: XO6 UWY CV18-6046437-S

ERICA LAFFERTY : WILLIAM SHERLACH

V : V

ALEX EMRIC JONES : ALEX EMRIC JONES

* * * * *

NO: XO6 UWY CV18-6046438-S: SUPERIOR COURT

WILLIAM SHERLACH : JUDICIAL DISTRICT OF WATERBURY

V : AT WATERBURY

ALEX EMRIC JONES : MARCH 22, 2019

* * * * *

B E F O R E:

THE HONORABLE BARBARA N. BELLIS,

Judge

A P P E A R A N C E S:

Representing the Plaintiffs:

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1 THE COURT: Good afternoon. Please be seated.
2 We're here on the Lafferty and related matters.
3 If you could please identify yourselves for the
4 record.

5 ATTY. STERLING: Yes, your Honor. Alinor
6 Sterling, Koskoff Koskoff & Bieder, for the
7 plaintiffs.

8 ATTY. BROWN: Good afternoon, your Honor.
9 Stephen Brown from Wilson Elser on behalf of Midas
10 Resources.

11 ATTY. JAKIELA: Good afternoon, your Honor.
12 Kristan Jakiela on behalf of Cory Sklanka.

13 ATTY. PATTIS: Good afternoon, Judge. Norm
14 Pattis on behalf of the Jones defendants.

15 ATTY. SMITH: Kevin Smith, also on behalf of the
16 Jones defendants, your Honor.

17 THE COURT: All right. Just give me one moment.
18 So I'm sure plaintiffs' counsel and co-defense
19 counsel has seen the motion for extension of time that
20 was filed yesterday?

21 ATTY. STERLING: Yes, your Honor.

22 THE COURT: And there were also some RFA's that
23 the plaintiff filed yesterday.

24 So I'll hear both sides, but I actually just had
25 a question just to clarify. When I read the March
26 21st Jones defendant motion, there was a statement on
27 page 3, Attorney Pattis, that said the defendants were

1 under the impression that their compliance had been
2 tendered. And I'm wondering if you could explain
3 that. Also, I did have a question for both sides. If
4 memory serves, when I was addressing what limited
5 discovery there would be, I thought we had
6 interrogatories and requests for production.

7 ATTY. PATTIS: I do have an explanation. It will
8 take a few moments, and I'd ask you to bear with me.
9 I've had -- I have discussed with Mr. Jones and I have
10 his consent to relate the following. And with your
11 permission, I'd also tender several affidavits today.
12 This is the history of -- I will take responsibility
13 for my side of the aisle. I am counsel of record and
14 going forward I will be sole counsel of record. Some
15 of the things that have occurred and for which the
16 Court appears prepared to act I don't think are the
17 fault of either my client or myself. And I'm asking
18 you to reconsider the denial of the motion to extend
19 and here's why. And I will get to the point you
20 raised.

21 THE COURT: Can we get to it sooner rather than
22 later?

23 ATTY. PATTIS: I'll get to it right now.
24 Initially, counsel was Mark Randazza and the Rondazza
25 firm. Jay Wolman is the Randazza firm's
26 representative in Connecticut. He was not counsel of
27 choice for Mr. Jones.

1 THE COURT: Can I just stop you there, Attorney
2 Pattis? Attorney Wolman was the one who filed his
3 appearance.

4 ATTY. PATTIS: Understood. I'm trying to explain
5 what -- I really am being responsive to your question.

6 THE COURT: Okay.

7 ATTY. PATTIS: Mr. Randazza was not permitted to
8 enter. Barnes surfaced. He is a close --

9 THE COURT: I'm sorry. I didn't hear that. Mr.

10 --

11 ATTY. PATTIS: Randazza was not permitted to
12 appear pro hac vice. Barnes had Mr. Jones' ear.
13 Apparently they are -- these two knew one another
14 before this case. This is where I've been given
15 permission to waive the attorney-client privilege as
16 to Barnes by Mr. Jones. Barnes persuaded Jones that
17 he had viable privilege claims that Mr. Wolman did not
18 support. In particular, a claim that under Griswold
19 versus Connecticut, you can claim the right to privacy
20 as a privilege with respect to some of these discovery
21 responses. Mr. Wolman wouldn't sign on to that, and
22 there was a breakup.

23 At that point, Barnes contacted me some time in
24 late February. And I filed an appearance under the
25 representation that I would be moving him in pro hac
26 vice. As I represented to you earlier, I thought I
27 was going to be working under his direction. And he

1 represented to me that he was going to manage Mr.
2 Jones' legal disputes related to these claims in
3 several jurisdictions.

4 When I was -- to get to the only question you've
5 asked, Alex Jones was under the impression and had
6 been told by Barnes that full compliance -- he had the
7 material to fully comply in late February. And Jones
8 did not learn until apparently this week that that was
9 not the case.

10 THE COURT: So let me just -- I apologize because
11 I want to make sure I'm understanding this. So you're
12 telling me that Mr. Jones relied on the advice of
13 counsel who doesn't represent him in this case?

14 ATTY. PATTIS: I am telling you that Mr. Barnes
15 -- correct. Correct. And so I will take
16 responsibility for that. Okay. I came in and I
17 represented to you last time we were here that I
18 expected Barnes to appear pro hac vice, and I was
19 going to file that motion. I was informed shortly
20 thereafter that he would not be appearing. And at
21 that point I turned up the heat and said, I need
22 discovery compliance. And I received materials from
23 Barnes late on the day of March 20th.

24 THE COURT: Because when you filed your motion --
25 one of your motions for extension of time, the one
26 that I denied, the motion had said that you hadn't
27 received or reviewed any documents yet.

1 ATTY. PATTIS: Not -- if I said none, I
2 overstated it. I had received several inches worth.

3 THE COURT: I think you said that you had, on
4 March 18th, on that motion for extension of time, that
5 you had not been given any documents to review or
6 produce. That was what you said in your March 18th
7 because I really --

8 ATTY. PATTIS: I am going to correct that. I was
9 given about two inches of documents, and I didn't seek
10 an order to do rolling discovery because I had -- and
11 I was given those documents on or about March 6th. I
12 was also given some interrogatory responses on March
13 6th. Those interrogatory responses were not
14 satisfactory to my way of thinking. And I took steps
15 to get them amended. I don't have them at this point.
16 But in terms of the bulk of documents, there are nine
17 point three --

18 THE COURT: Let me just interrupt you, Attorney
19 Pattis, and I apologize, and I'm going to give you
20 honestly as much time as you need. So I'm just trying
21 to figure out the March 21st motion that you filed
22 that I read very carefully that Mr. Jones was under
23 the impression that full compliance had been tendered,
24 I'm just trying to understand how he could be under
25 that impression if he hadn't signed off under oath on
26 the interrogatory responses. So you wouldn't be
27 mistaken. Regardless of what anyone told you, four

1 lawyers are involved now. All right. So four
2 different lawyers. If you haven't signed
3 interrogatory answers under oath, how can you believe
4 that full compliance had been tendered? It doesn't
5 seem to be a reasonable belief, if I accept that
6 version.

7 ATTY. PATTIS: Well, I'm representing, as your
8 officer, the facts as I know them to be.

9 THE COURT: I am not -- Attorney Pattis, I am not
10 in any way shape or form casting aspersions. I accept
11 your representations as an officer of the Court. But
12 your representation is what his impression was, what
13 he believed. And that's why I started out asking
14 about interrogatory answers. You can't -- how could
15 your client be under the impression that full
16 compliance had been tendered if he had never signed
17 the interrogatories under oath?

18 ATTY. PATTIS: He had signed the interrogatories,
19 but not the requests for production. I don't know if
20 I shared with you, I shared with co-counsel, that the
21 interrogatories, that responses came with some
22 handwritten material on it, confidential and subject
23 to protective order, which I recognize to be Mr.
24 Jones' handwriting. And then he signed on the last
25 page. That's meaningless to me. I'm not going to
26 tender a document that's meaningless.

27 THE COURT: So you have in front of you a set of

1 interrogatory answers that you're not satisfied with
2 that he signed under oath?

3 ATTY. PATTIS: Right, I do.

4 THE COURT: On that date.

5 ATTY. PATTIS: March 6, 2019. That was the day I
6 believe they were due. At that point, I was operating
7 on the assumption, Judge, that I was his -- I was
8 local counsel for someone who had yet to appear. They
9 were prepared over my signature. I wasn't prepared to
10 sign off on them because I had had no opportunity to
11 do any due diligence. And that was the reason for
12 seeking a continuance.

13 As to the request for production, here's the
14 backdrop on that: The database that must be searched
15 here is composed of somewhere between nine point three
16 and nine point six million emails. The request for
17 individual searches is extremely time-consuming. For
18 example, in one of the --

19 THE COURT: I accept that. I accept what you're
20 saying that it's time-consuming, but not all of the
21 production requests were for emails. There was
22 marketing information. These were not all an e-mail
23 search. So, for example, there would be, if I looked
24 at them -- I don't have them in front of me -- I'm
25 sure there are some production requests that are not
26 burdensome to respond to and no substantial compliance
27 was made. And I'm not -- you are representing the

1 Jones defendants, but they are -- it's their
2 obligation to comply. And I'm dealing with Attorney
3 Wolman's original representation with his first motion
4 for extension of time that there was going to be
5 significant document production by the initial
6 deadline, which didn't happen. I think part of the
7 problem --

8 ATTY. PATTIS: I can explain what happened there.

9 THE COURT: I think part of the problem is that
10 your clients are maybe tying their own lawyers' hands
11 by getting other lawyers involved so that nobody knows
12 what anyone else is doing. That would be the most
13 favorable light.

14 ATTY. PATTIS: I understand that, but I don't
15 think --

16 THE COURT: The least favorable light would be
17 manipulation.

18 ATTY. PATTIS: I don't think it was willful.
19 With respect to the interrogatory responses, every
20 single answer that I see -- and they prepared this for
21 my signature. I will not tender this. Every single
22 answer was -- and this is, I think, a misapprehension
23 of law which you may recall you went out of your way
24 to correct when last we were here. Every single
25 answer -- this is March 6, 2019 -- all responsive
26 unprivileged documents will be provided. All
27 privileged documents will be logged and provided on a

1 privilege log. Now, he was operating under the
2 assumption, which you corrected last time we were
3 here, that privilege logs can be tendered after
4 compliance. At that point, Judge, from my
5 perspective, I'm local counsel. I'm going to advise
6 him about the law. I advise him about the law, and I
7 tell him we need compliance. I warned my client's
8 in-house counsel, for lack of a better word, that the
9 Court has made clear on the record that a consequence
10 of noncompliance could be loss of a motion to dismiss.
11 I write a letter urgently to that lawyer late last
12 week saying, look, we've got to (indiscernible) this
13 stuff. I don't know what's going to happen.

14 I have since spoken with Jones, met with personal
15 representatives and spent more hours this week than I
16 had to spend to try to get to the bottom of what
17 happened. And here is what I am told. And this is
18 based on interviews with my client, this is based on
19 interviews with the IT person who's culling through
20 his emails, this is based on interviews with personal
21 representatives of his, this is based on interviews
22 with Wolman, and this is based -- and I can, if
23 necessary, get an affidavit from Attorney Barnes.
24 This is from conversations and communications with all
25 of them.

26 Mr. Jones was told by Mr. -- Mr. Jones' IT
27 person -- and I have an affidavit from him -- named

1 Jeff Zimmerman, gave Barnes sixty thousand or so
2 documents in late February. Barnes told my client
3 that this was full compliance and that it would be
4 tendered. No one told Jones until Tuesday of this
5 week -- I don't recall the date, maybe the 19th. The
6 19th is Tuesday. Nobody told Jones until the 19th of
7 this week that that didn't happen. At that point --
8 and I have authorization to tell you this -- I was
9 going to withdraw or make a motion to withdraw today
10 unless something else had happened because I cannot
11 defend an empty chair.

12 Now, Mr. Barnes has been eased out of the picture
13 and will no longer be involved in the case. I have an
14 affidavit from Jones indicating to you that I've been
15 given sole authority and responsibility for the
16 management of discovery in this case. The decision
17 not to tender partial discovery, that is entirely mine
18 because my view was, if I could seek an extension
19 until I could review it all, I would do so. I have
20 not been local counsel enough in cases where I'm going
21 to sign --

22 THE COURT: I understand that. Can I just
23 interrupt you for one second? And you can sit if you
24 want, whatever you're most comfortable with. Does
25 anybody have either an extra copy or one copy -- and
26 I'll have Mr. Ferraro make a copy of it -- of the
27 interrogatories and production requests so that I can

1 look at them?

2 ATTY. STERLING: I have them.

3 THE COURT: Is that an extra set?

4 ATTY. STERLING: I don't have, unfortunately, an
5 extra set.

6 ATTY. PATTIS: Judge, to advance things, I can
7 give you a copy of the signed ones. I brought copies
8 for everybody because I knew that this might come up
9 today. So I'll just tender a copy to everyone to look
10 at.

11 THE COURT: But these are the ones that you
12 didn't want to submit because you didn't feel they
13 were (indiscernible).

14 ATTY. PATTIS: I had an opportunity -- when I
15 first got involved in this case, I put a call in to
16 Attorney Sterling, who is known to me for many years
17 as a reasonable person and, frankly, a friend. And it
18 was made clear to me at this point there were some
19 reservations about my client's correspondence. I
20 don't recall if it was with Ms. Sterling or Mr.
21 Mattei, but on March 6th when I received these things,
22 I discussed what the answers were. I told them what
23 they were. And somebody, I don't recall who it was --
24 and I'm sorry, Alinor -- that one of the answers
25 didn't satisfy them. The question is, name all the
26 business entities and officers. And then the claim
27 is, well, these entities don't exist anymore. I think

1 the good faith answer is they're not asking at this
2 point who it is, but at the time relevant to the
3 lawsuit.

4 THE COURT: Here's the thing, Attorney Pattis: I
5 was told, not by you, but by the defendant Jones
6 through his first counsel that there was going to be
7 significant compliance even though they needed an
8 extension. I'm struggling to find any good faith.
9 You're new to the game and I accept what you tell me,
10 truly I do, but any good faith on the part of the
11 defendant. It's the defendant's discovery obligations
12 here. So, for example, I'm just looking at the first
13 few interrogatories. Even if some of the
14 interrogatories had been answered properly under oath
15 and then with the "to be provided", you know,
16 something that was properly responsive to the
17 interrogatories or production requests, not every one
18 of the production requests requires a search through
19 nine million or however many emails.

20 ATTY. PATTIS: That is my call, and I am solely
21 responsible for that. My view was, I was going to
22 respond once and then be done with it rather than get
23 involved in rolling discovery, which is difficult to
24 manage. I did not consult with my client on that. I
25 made that decision. If there should be sanctions in
26 that regard, they should be directed toward me and not
27 -- me personally and not toward the client because I

1 made that decision.

2 Frankly, from my perspective, Judge, my state of
3 mind was, you know, I've learned nine point three
4 million -- for example, one of the search terms was
5 give us every email that you have about the Sandy Hook
6 families or family members. When you identify the
7 plaintiffs, you identify their family members, it
8 comes to over a hundred people. Each search of the
9 nine point three database takes about twelve hours.

10 THE COURT: So if we just look at these. This is
11 an easy one. So the fifth interrogatory, identify any
12 witnesses you may call at a hearing on a special
13 motion to dismiss. What's the answer to that under
14 oath?

15 ATTY. PATTIS: The plaintiffs and Alex Jones.
16 That's satisfactory as far as I'm concerned.

17 THE COURT: What about the first one, business
18 organizations? Is that answered satisfactorily?
19 That's a pretty straightforward one. I'd take about
20 two minutes to figure that.

21 ATTY. PATTIS: After discussing with -- I don't
22 recall whom, but I tell you I did. The second one,
23 the answer is one that doesn't satisfy my adversaries.
24 No employees are assigned the duties of marketing,
25 data research, analytics concerning Infowars. The
26 only analytics are conducted by a third party Google
27 Analytics and Google Ad Manager. No marketing

1 analytics were ever done related to Sandy Hook. I
2 discussed that and the question was, well, can you
3 guys get the material from Google? I'm told the
4 letter has been written to Google. I've asked for it.
5 I don't yet have it. So that's the answer, but I've
6 been informed that's an unsatisfactory answer. And,
7 hence, the request for more time.

8 THE COURT: What about the other interrogatories?

9 ATTY. PATTIS: As to three, again, it may vary --
10 I don't think it varies. I'd have to check. There
11 were five sets.

12 THE COURT: I'm not even looking at the
13 production requests. I'm just looking at the
14 interrogatories.

15 ATTY. PATTIS: No employees were assigned the
16 duties of investigating any matter concerning Sandy
17 Hook on behalf of the case defendants. That's the
18 answer.

19 THE COURT: What about the fourth one?

20 ATTY. PATTIS: This may vary on the entity. Two
21 domain names are used and owned by Free Speech Systems
22 to disseminate content concerning -- it's not a
23 complete sentence. Two domain names are used by Free
24 Speech Systems to disseminate content concerning this
25 matter. And they are Infowars dot com and Prison
26 Planet dot com. That's it.

27 THE COURT: All right. So when you look at the

1 production requests, it looks like some of the
2 objections were sustained. I'm not --

3 ATTY. PATTIS: As to the financial matters and
4 tax returns, yes.

5 THE COURT: Just roughly, let's say, just
6 roughly, there's probably, say, sixteen that they have
7 to respond to, just roughly. So there have to be some
8 that you don't have the documents on. For example,
9 number eleven -- and I don't have in front of me the
10 rulings.

11 ATTY. STERLING: Your Honor, the rulings -- those
12 were done after the rulings. So there's a couple
13 notations where an objection was sustained in its
14 entirety, but otherwise the language is the language
15 that the Court approved. So that's fine.

16 THE COURT: That would have taken around three
17 minutes to comply with.

18 ATTY. PATTIS: I actually have compliance. There
19 are no documents in my possession. These are Court --
20 the Court ordered these documents sealed, and they are
21 placed in the lawyer's custody. So that is the
22 answer. And, again, this is a problem that I have
23 about the adequacy of the compliance, whether we need
24 to seek a Court order, but I called and made a phone
25 call because I remember reading something in the press
26 --

27 THE COURT: It's possession or control, right?

1 ATTY. PATTIS: Well, but the claim -- and I don't
2 know this as your officer and before I start flashing
3 documents around, I want to know it, but what I'm told
4 is the divorce transcripts were sealed and can only be
5 released with a Court order. Now, what's paradoxical
6 to me about that is the proceedings were nonetheless
7 open to the public because I recall reading about it.

8 THE COURT: So you're suggesting that even though
9 I've ruled this is the discovery in this case, that
10 Court order doesn't satisfy the ability to get the
11 transcript from his attorney?

12 ATTY. PATTIS: I'm telling you that when I moved
13 for a continuance on March 6th, it was because
14 precisely of things like this, and I was unwilling to
15 put my name on it. I'm just not. And I don't think
16 that's unreasonable on my part.

17 THE COURT: So were there any of the production
18 requests at all that you're in a position that you
19 feel that you have proper compliance at this point?

20 ATTY. PATTIS: As of today, yes. And I am told
21 -- I'd like to bring this -- I appreciate your
22 indulgence. Jeff Zimmerman -- so here's what I have
23 done since -- before you denied my motion for
24 extension. I've reached out to a data analytics firm
25 and described the universe of items that need to be
26 searched. I have --

27 THE COURT: I read that in your most recent

1 motion.

2 ATTY. PATTIS: I didn't know you denied my
3 motion. I came back from an early day in court
4 yesterday, so I had to get something out in a hurry.

5 THE COURT: (Indiscernible) data analytics.

6 ATTY. PATTIS: Whether my client will bear that
7 expense or whether the plaintiffs will bear that
8 expense, it's going to cost ninety to a hundred
9 thousand dollars to have that information system by
10 this firm go through the nine point three million
11 emails and sort them. Mr. Zimmerman has done plenty.
12 And he has completed under production request number
13 one -- I have the following notes and I have received
14 documents, Judge, in my office late Wednesday that
15 I've not had a chance to review, but I'm told that 1A
16 through N are completed, 2A through J, 3A through B,
17 4A through G, 7A through O, 8A through N. 17A through
18 F.

19 THE COURT: What about 18? That should be pretty
20 easy.

21 ATTY. PATTIS: I'm told those are completed, but
22 here's what I would like you to know and I have an
23 affidavit if you need it. This young man, Mr.
24 Zimmerman, has been involved in this search for weeks.
25 To do a literal search of every term that the
26 plaintiffs request would not be completed until April
27 15, 2019. I didn't know that when I made my motion

1 for April 3rd, but one of the things that's occurred
2 is the Texas -- the same kid is generating data for
3 Texas. And that case has been based on priority
4 because of the expedited schedule down there.

5 I'm also told, and I confirmed this this morning
6 in a conversation -- forgive me for not recalling his
7 name, the lawyer for Mr. Jones in Florida -- excuse
8 me, in Texas -- that today they've turned over twelve
9 thousand five hundred emails. They are under an
10 order -- and I can get those and turn them over. They
11 are under an order to complete discovery and/or face
12 fairly significant sanctions, and they're hoping to
13 have thousands more on Monday.

14 THE COURT: Does he have -- Attorney Pattis, does
15 he have a different lawyer in the Texas case than --
16 it's not Mr. Wolman, it's not Mr. Barnes, it's not Mr.
17 Randazza? It's somebody else?

18 ATTY. PATTIS: No. Here's what's going on in
19 Texas. And, again, it's awkward to put on the record,
20 but I have authorization to do so. Mr. Barnes has
21 apparently succeeded in being admitted pro hac vice in
22 Texas. And, therefore --

23 THE COURT: Who's the local counsel there?

24 ATTY. PATTIS: Mark Enoch (phonetic spelling).

25 THE COURT: So that's a different lawyer?

26 ATTY. PATTIS: Right. Enoch is local counsel in
27 Texas to the Jones defendants, and Mr. Barnes is pro

1 hac vice counsel. And there's been a struggle there.
2 Candidly, Judge, what blew this into crisis mode for
3 me and led me to consider withdrawing is I received a
4 phone call and had my first communication with Texas
5 counsel on Monday. And I had described a certain
6 email I had written to Barnes last week and the
7 failure to get a response to it. And that email I'm
8 not prepared to share, but it warned of dire
9 consequences. Three days passed and I didn't get a
10 response. So I sent another email to Barnes saying,
11 you know, what's up? Did you get my earlier email?
12 And I began to get responses. And then my phone rang
13 off the hook with people in the Jones organization who
14 apparently did not know and then who had not been
15 shown my communication with Barnes. And in those
16 communications, Jones learned for the first time that
17 although he believes that Barnes had a lot of
18 material, perhaps sixty thousand documents or emails
19 or whatnot since at least the end of February, which
20 is why Zimmerman thought he could turn them over and
21 Barnes had not done so.

22 THE COURT: If I could backtrack a little bit.
23 So how many documents have been produced to date
24 roughly in the Texas action? Just roughly, roughly.

25 ATTY. PATTIS: I don't think a lot. I think
26 twelve and a half thousand as of this morning. There
27 was a glitch yesterday where Texas thought they sent a

1 file, but three thousand of the pages were blank and
2 this has led to more recriminations. They intend to
3 send some thirty thousand more over the weekend or so
4 I'm told. I was on a teleconference this morning
5 where arrangements were made to bring in four lawyers
6 over the weekend to produce.

7 And, Judge, what's more, I have been given
8 assurances that I will be given everything that is
9 tendered in Texas to tender here. The problem is the
10 requests here are broader than the Texas requests.

11 THE COURT: All right. So if we can, if you
12 don't mind, can you just go through the
13 interrogatories and production requests that you
14 believe you are prepared to comply with at this point?

15 ATTY. PATTIS: At this point I think I've made a
16 significant error and poorly served the Jones
17 defendants by not doing rolling discovery. If I had
18 it to do again --

19 THE COURT: Well, if you don't mind, just humor
20 me. Can we just go through them and just identify
21 which ones you believe -- and I'm not holding you to
22 these exactly, but which ones you believe -- because
23 we're going to be together again on Tuesday.

24 ATTY. PATTIS: I wanted to seek relief on that,
25 but I'm on trial, Mr. Smith and I, on a jury case. We
26 were hoping we could be together to discuss this case
27 on the 2nd. I know you need somebody to cover

1 Halbig's motions on the --

2 THE COURT: I do. I cannot go forward on that
3 case without somebody -- I just don't want to put
4 myself in that position.

5 ATTY. PATTIS: I will have an associate here to
6 be a (indiscernible), but only Mr. Smith and I really
7 understand this issue. So if you need to see us again
8 on discovery issues, we would request the 2nd. One or
9 the other of us can be here. We expect a verdict by
10 then.

11 THE COURT: If you could just run through which
12 interrogatories first. So there's five
13 interrogatories. You already told me the answer to
14 number five. So what about one, two, three and four
15 in the interrogatories?

16 ATTY. PATTIS: I will give one --

17 ATTY. STERLING: I'm sorry to interrupt, your
18 Honor. I just want to see which defendant we're
19 talking about.

20 ATTY. PATTIS: All five defendants.

21 ATTY. STERLING: So all five. Okay.

22 ATTY PATTIS: I will tender all five and then
23 wait for the other side to tell me they think it's
24 insufficient and what I need to do to correct it.
25 That's the error I made. I thought I should get it
26 all done at once. I don't typically engage in motion
27 practice.

1 THE COURT: Well, you're telling me that you,
2 already looking at them can --

3 ATTY. PATTIS: I think it's a waste of time to
4 waste the Court's time on discovery disputes. One is
5 sufficient on its face as worded. I think it's worded
6 poorly. Identify all business in which you have
7 ownership and/or control. That speaks to today. I
8 don't really think they asked about today. I think
9 they meant to ask about a reach-back later. So my
10 answer is facially satisfactory, but too cute for
11 words. So I will tender it and let them say, no, we
12 meant later.

13 As to two, there is no one responsible for
14 marketing data, and we stand by that answer. I'm
15 asking for the information that suggests that they
16 were in touch with Google Analytics. At this point I
17 don't have it. I spoke to a person in personnel this
18 week about that.

19 Three, as to employees, there are none. I'm
20 prepared to tender that. The domain names or the URL,
21 whatever they are, those are in here and I can tender
22 that and the answer to witnesses is the same for each.
23 So I can offer those today.

24 THE COURT: All right. And the production
25 requests, out of the sixteen or so, can you just --
26 you don't have to -- can you just identify which ones
27 that you would be able to make partial compliance to?

1 ATTY. PATTIS: Yes. May I have a moment, Judge?

2 THE COURT: Take your time.

3 Attorney Sterling, do I have your only copy?

4 ATTY. STERLING: You do. It's --

5 THE COURT: I'm going to give it back to you. I
6 can have --

7 ATTY. STERLING: Obviously I have more back at
8 the office, but it's -- I'm managing. It's okay.

9 ATTY. PATTIS: Judge, we have received this week
10 late in the day on the 20th what I was told were sixty
11 thousand emails. We've had some difficulty
12 downloading them that has crashed our system, but as
13 of this moment, I have thirty-seven thousand of them
14 on a hard drive. There are two issues. One -- well,
15 there are three issues. Whether any serious claims of
16 journalistic privilege are going to be interposed or
17 not. But the pressing issue is the attorney-client
18 privilege. I was on the phone with Texas counsel.
19 They are scrubbing to make sure there's nothing
20 privileged in here. What we're trying to get them to
21 do is give us information from the so-called tip line
22 or confidential informant line. I'm told that's some
23 fifty to sixty thousand emails. And we should be able
24 to get those and produce them quite quickly.

25 As to the topics in one, Sandy Hook is what
26 crashed our system. However, there are emails that
27 are responsive to Newtown, to Adam Lanza, to crisis

1 actors. There are about eight -- I guess you won't
2 find it hard to believe. There are about eighty-nine
3 hundred of them or more that relate to Wolfgang
4 Halbig. And so we've got a number of them.

5 THE COURT: Are there any production requests
6 that you can fully comply with at this point?

7 ATTY. PATTIS: By --

8 THE COURT: Except for 18. I think you told me
9 18 you were all set on, the communications with any
10 other plaintiffs.

11 ATTY. PATTIS: To be honest with you, Judge, I
12 didn't get what I got from Barnes until Wednesday
13 afternoon. I was in a court trial until midday
14 yesterday. It settled abruptly. And so I have not
15 had a chance to look at what he sent me. But I know
16 that I'm sitting on at least thirty-seven thousand
17 emails. And I discussed an additional ten or twelve
18 thousand more. So I believe that by Monday I can make
19 a showing of thirty to forty thousand emails.

20 The issue that came up in a conference call this
21 morning is whether there are attorney-client
22 privileges. And because of the exigency in Texas
23 where there's a mandatory timeline, there was a
24 literal discussion about whether to waive the
25 attorney-client privilege so as to comply. And no one
26 is comfortable with that. So a series of lawyers are
27 being brought into the Texas firm to at least scan the

1 documents to make sure they're not turning over
2 privileged material. So I think I'm close, but the
3 downside is, if Mr. Zimmerman --

4 THE COURT: Attorney Pattis, isn't that usually
5 how it's done in these kind of cases, that there are a
6 team of young associates or young lawyers or whoever
7 on the document production --

8 ATTY. PATTIS: And there has been. I've spoken
9 to a young man who spent six days at Mr. Jones'
10 facility --

11 THE COURT: Early on, though, before your
12 involvement.

13 ATTY. PATTIS: Correct. And so my -- I have two
14 people who are working full time on this matter right
15 now. And I can't work on what I'm not given. So my
16 contention is and my firm belief is, while I'm not
17 happy to be responsible for a file where there is no
18 compliance, but I'm hard-pressed to know what more I
19 could have done. Perhaps I should not have appeared
20 or I should have waited to file an appearance together
21 with the pro hac vice counsel. I didn't. I relied on
22 him. I know who he is. I've seen him around. I've
23 heard about him. He represented and I was told that
24 he had the client's confidence. What more should I
25 have done? I tried to extend a professional courtesy
26 to someone who was apparently less than candid with
27 the client and sandbagged me.

1 THE COURT: So besides the search of the emails,
2 what other document search is ongoing?

3 ATTY. PATTIS: I called a person who is involved
4 in -- so I'm led to believe that the Jones defendant
5 and related entities employed as many as 75 people,
6 maybe 77. I've heard two estimates. So I have asked
7 for organizational charts that would help me
8 understand the difference between one entity and the
9 other and the relationship. And I'm told they are
10 largely -- it's largely informally managed.

11 One of the issues that remains in dispute, and I
12 don't know if it's too late to object, they don't want
13 to give a list of all their employees like janitors,
14 this and that and everything else because Mr. Jones is
15 concerned about retaliation against people close to
16 him for political --

17 THE COURT: Well, the objections were already
18 dealt with, and there is a process in place for
19 confidentiality issues. So I suppose with something
20 like janitors' names, I got to think that you and
21 Attorney Sterling could probably reach an agreement as
22 to how not to publicize those names.

23 ATTY. PATTIS: So I have spoken to a human
24 resources person to begin to get that data together.
25 I have met with individuals as recently as this
26 morning close to the Jones organization to try to get
27 to the bottom of all this. I've been invited down to

1 do what I need to do, if I'm given time and need to go
2 down. I don't know what more I could have done. I
3 genuinely believed that Mr. Barnes had Mr. Jones'
4 confidence. It was represented to me by Barnes and
5 others that he was brought in to manage the litigation
6 in the various courts. And I did what a pro hac vice
7 counsel, or what a person sponsoring counsel does. I
8 stood by and took a subordinate role.

9 Last week when it was clear that was working to
10 the client's detriment, I'll be candid, I consulted my
11 lawyer, who's Willie Dow. And I described the
12 situation to try to find out what my ethical
13 obligations were. And he basically said that I was in
14 a very precarious situation. So I took the steps that
15 I needed to take to protect myself. And the result is
16 that Mr. Barnes is no longer in the picture, and I am
17 it. And I'm told I have full responsibility.

18 THE COURT: You had mentioned sanctioning you,
19 which I've never done a sanction in sixteen years and
20 I'm sure not going to start now. But this discovery
21 obligation is not your obligation. It's the
22 defendant's obligation. That is -- it's not what you
23 know, it's not what you don't know. It is the party's
24 obligation to fully and fairly comply with requests
25 for disclosure and production. So any sanctions would
26 be to the party here and not to you.

27 ATTY. PATTIS: Well, except I did err. I could

1 have done rolling discovery and I regret it now.
2 That's been the approach in Texas. Of course, it
3 hasn't stopped things from --

4 THE COURT: Has that motion to dismiss been
5 adjudicated yet?

6 ATTY. PATTIS: No. My understanding is that a
7 decision -- and Attorney Sterling can correct me if
8 I'm wrong -- a decision has to be tendered by June
9 2nd, I believe.

10 THE COURT: Has it been argued?

11 ATTY. PATTIS: No. It will be argued in May.

12 ATTY. STERLING: No, your Honor.

13 THE COURT: So they're still doing their
14 discovery.

15 ATTY. STERLING: They're doing rolling
16 production. There's a holdup with discovery there, as
17 I understand it. There was a ruling on the reporter's
18 privilege in which the privilege claim was largely
19 rejected. And the plaintiffs in that case chose to go
20 forward with Mr. Jones' deposition and the deposition
21 of the corporate designees without documents, which
22 has now become a basis for a motion for sanctions in
23 that case, with them claiming they're prejudiced by
24 having to go forward, which they had to do because the
25 Texas timeline was so tight.

26 THE COURT: So, Attorney Sterling, I've given
27 Attorney Pattis the entire floor the whole time and,

1 of course, I will give you equal time, but I have to
2 just tell you what I'm considering at this point so
3 you can respond to it and Attorney Pattis can respond
4 to it, as well. I would like to -- I don't want to
5 wait until April 2nd. I would like to address the
6 issue of whether your motion should be granted with
7 regard to precluding the motion to dismiss, whether
8 Attorney Pattis' motion for reconsideration on the
9 extension of time, whether the Court should reconsider
10 that. But I would like to see if the landscape is
11 going to change. If we were to come back Monday or
12 Tuesday and you were to tell me, well, I got the
13 twelve thousand five hundred documents today and the
14 other thirty thousand documents that were expected
15 over the weekend, so on Monday I had forty-two
16 thousand five hundred documents and I got the
17 interrogatory answers under oath and I got production
18 18 and whatever other production requests can be
19 satisfied, that, to me, would change the landscape a
20 little bit, perhaps. So I think I would rather give
21 the defendants an opportunity to do that and then
22 address your motion and address Attorney Pattis'
23 motion. It doesn't make a difference if it's heard
24 today or heard next week.

25 ATTY. STERLING: Of course, your Honor, if that's
26 the Court's preference, that's what we'll do. I mean,
27 I do have some responses to what's been said here

1 today. I think that there's been a lot of indications
2 that Attorney Barnes was a bad actor. I think if the
3 Court looks back down the timeline, though, December
4 10th is the date that the Court determined that
5 discovery would be permitted. January 10th is the
6 date that the Court determined the content of the
7 interrogatories and request for production. After
8 January 10th, we were in court on January 23rd,
9 January 31st, February 14th, and February 21st, and on
10 none of those days did defendant's counsel, who was
11 then Attorney Wolman, say anything about difficulties
12 in meeting a February 25th production date.

13 THE COURT: Actually, the deadline was the 23rd,
14 right?

15 ATTY. STERLING: I may be mis --

16 THE COURT: I think you rounded it off. But
17 that's not a court filing. That's just discovery
18 responses. So as far as I'm concerned it was the
19 23rd.

20 ATTY. STERLING: Yes.

21 THE COURT: Attorney Pattis, I know you're not
22 responsible for that because that was before you were
23 in the case, but you can see how it's troublesome to
24 the Court because nobody in this room wants to be
25 manipulated. But when we have a February 23rd
26 deadline and the Jones defendant's counsel is in the
27 courtroom two days before we address, I believe, the

1 confidentiality order protective order and whatever
2 other issues were brought to me and I always ask, is
3 there anything else? There was never a mention from
4 the Jones defense counsel that, in fact, there wasn't
5 going to be compliance. So that's the problem. That
6 would have been the time. So can you respond to that?
7 I know that you're answering for somebody else, but
8 that's still what the case -- what's been going on,
9 that's the history.

10 ATTY. PATTIS: So here's all I know based on the
11 interviews that I conducted this week: Apparently Mr.
12 Zimmerman was not made aware of this data request
13 until sometime well after it was initially tendered.
14 This would have been sometime in January. Zimmerman
15 has told others that he gave Jones what he had late in
16 February so that when Wolman appeared here on February
17 25th, I believe he knew that Jones was coming into the
18 (indiscernible), that Barnes was coming into the case,
19 but they were having this dispute about what to do
20 about privacy. And Wolman would not sign on to the
21 Griswold claim. And I can't say I blame him.

22 THE COURT: All right.

23 ATTY. PATTIS: But I understand what Attorney
24 Sterling says. The thing that floored me this week, I
25 requested an affidavit from Zimmerman, and I was told
26 for the first time this week that strict compliance
27 with everything requested couldn't be done until April

1 15th. And I had previously requested until April 3rd
2 myself thinking all this was done. Now, it may be
3 that Attorney Sterling and I can work on what she
4 really means by family members and related people
5 because if you do the family members and related
6 people, they've actually searched the web to find out
7 who these are, that's like four hundred people. And
8 if it's going to take twelve hours per search, where
9 are we going to be and when are we going to get there?
10 I can only tell you what I know.

11 THE COURT: All right. Sorry I interrupted you,
12 Attorney Sterling. I'm sorry.

13 ATTY. STERLING: Just a few more things. All
14 with the mindset that we're trying to do expedited
15 discovery, and we have pushed hard on our side to be
16 available for expedited discovery. The Court knows
17 how many times we've been back. So this is just
18 turning into not expedited discovery, which means that
19 the discovery stay remains in place indefinitely.

20 The other -- and I'm really trying -- I have no
21 interest in casting stones at Attorney Pattis. I know
22 the Court doesn't either. So I would like my comments
23 to be understood in that regard. It was on March 7th
24 that the Court warned both orally and in writing that
25 failure to produce on the 20th would potentially
26 result in denial of the anti-SLAPP.

27 On March 13th, we were back in court and Attorney

1 Pattis had indicated that he had advised people who
2 need to know of the Court's observations. But not
3 only that, it was a Court order. So it was out there
4 for all to see. So that is just in and of itself
5 extremely problematic and the fact that things were
6 not provided to Attorney Pattis until March 18th.

7 The other thing that came up in the course of
8 this hearing, and, obviously, I haven't seen any of
9 the documents that have been referenced by Attorney
10 Pattis, is that Mr. Jones apparently signed his
11 affidavit on March 6th. The representation from
12 Attorney Wolman was that compliance could be provided
13 on February 25th, including those interrogatories.

14 So I'm not in a position to reconcile all these
15 difficulties. What I can do is point to them and say
16 to the Court, I understand Attorney Pattis is casting
17 this in the absolute rosiest light, but the record
18 doesn't look rosy. So I will say one thing about the
19 sanction, and then I understand the Court's preference
20 to proceed on Tuesday, which is that the sanction that
21 we're asking for, which is denial of the anti-SLAPP on
22 a summary basis isn't a sanction on the merits. It
23 just allows the case to proceed to the merits. It
24 allows us to do full discovery. From everything
25 that's been represented, trying to do this discovery
26 on an expedited basis isn't working very well. This
27 is apparently a production of substantial numbers of

1 documents, if they materialize. But our case law is
2 concerned with making sure that a determination on the
3 merits is what happens, and that denying the
4 anti-SLAPP would actually help us get to that point
5 because at this point we're just stalled.

6 THE COURT: I'm not going to address that now,
7 but I've said many times now that that special motion
8 to dismiss is in jeopardy, but I wouldn't be denying
9 it. I would be precluding it. I wouldn't address the
10 merits of it.

11 But I do want to interrupt you because I would
12 like to address this to Attorney Pattis, as well. One
13 of Attorney Pattis' comments, which I accept, that he
14 had originally asked for in his extension of time, I
15 think, for April 1st now, but when you checked with
16 the person who was doing the forensic examination, or
17 whatever you call it, that that wouldn't even be
18 possible. It would be April 15th. So, basically,
19 what the representation is is that it -- it sounds
20 like a solid month to do that forensic audit, or
21 whatever you call it, of the emails. So I guess what
22 I'm saying in a way that that's probably more
23 difficult and more of a burden than was anticipated
24 that was ever mentioned by anyone at any point,
25 Attorney Wolman, and so forth. So it might have been
26 impossible -- if it had been done properly, it might
27 have been impossible for the Jones defendant to have

1 met that first deadline, given the number of emails
2 and such.

3 ATTY. STERLING: Possible, although, your Honor,
4 then the question arises, but if they were actually
5 attempting to do this, why didn't we hear about it
6 sooner? It's the first thing I would say if I was
7 under a deadline like that. And also with the focus
8 in this case on how hard we worked to set expedited
9 deadlines.

10 So I don't really have a response to that at this
11 point, your Honor. It's very difficult from where I
12 sit because I don't have anything to review. I don't
13 have a basis to know what's being produced. I
14 don't -- the representations about what's being
15 searched have shifted over the course of the discovery
16 process. I just -- is there another way to ask that
17 question of me, your Honor? I'm not giving a good
18 answer, but I'm not quite sure what the Court's
19 concern is.

20 THE COURT: Attorney Pattis, can I ask you, what
21 is the like -- you also mentioned the cost involved of
22 doing it. To be honest, would you like me to be
23 straightforward here?

24 ATTY. PATTIS: Yes.

25 THE COURT: The Jones defendants at this point
26 are coming from a position of weakness. They've blown
27 past the Court's deadlines. There hasn't been a

1 single piece of paper or interrogatory answered. And
2 now they're saying it's too costly. Wouldn't the
3 better approach -- or that who's going to pay the
4 ninety thousand dollars, or whatever it was that you
5 said. Wouldn't a better approach be to turn over
6 immediately the twelve thousand plus documents --

7 ATTY. PATTIS: Yes, I intend to.

8 THE COURT: The thirty thousand documents over
9 the weekend, pay the costs of having your forensic
10 examination of the emails instead of suggesting at
11 this point that the plaintiff should bear that cost,
12 answer the interrogatories that you identified the
13 production requests that you can -- and then change
14 the landscape in a way so there's some good faith.
15 This would be the first step.

16 ATTY. PATTIS: That is entirely on me. And I
17 wanted to comply fully because, candidly, I'm busy and
18 I don't want to be involved on a piecemeal basis.
19 That's my personal preference, but I'm not going to
20 get my way here. So I think you're right.

21 As to the --

22 THE COURT: I'm going to interrupt you again.
23 You are getting your way because nothing were to stop
24 me from ruling on that motion and precluding the
25 special motion to dismiss and just moving on with the
26 case. So as far as I'm concerned, you did yeoman's
27 work in --

1 ATTY. PATTIS: Can I order that piece of the
2 transcript?

3 Can I just respond to one thing? I think it's
4 important to notice here that it was the plaintiffs
5 who have filed this action, and they sat on their
6 claims for years until it was convenient for them to
7 strike. And then we had thirty days (indiscernible).
8 We had to file our motion in response. There's no
9 case law about the scope of discovery here. But I
10 don't think the Court really expected that there would
11 be nine point three million emails to search and that
12 searching each data firm one at a time was going to
13 take upwards of six to twelve hours. So the Jones
14 defendants contend, not that I've seen it with my own
15 eyes, I'm making representations to you, that they've
16 been at this for weeks. It's my recommendation that
17 they go to the data firm. But here's the problem with
18 the data firm: The data firm can only segregate and
19 locate items. It can't do a privilege analysis. So
20 there were several people in my office today. We were
21 on the phone with people down in "Jonesville", as it
22 were, trying to identify by rule of thumb items in
23 which there could be no conceivable claims of
24 privilege. And those should be things that came in
25 through a so-called tip line or attorney-client
26 privilege because at that point that's all I'm focused
27 on. So I think there are ways to provide it, and I'd

1 be happy to do so if given permission.

2 THE COURT: I think it's unfortunate that -- and,
3 again, I'm not laying blame on your feet because you
4 weren't even involved, but I went along with the
5 deadline. The deadline that I ordered was the
6 deadline that Attorney Wolman had requested. So I
7 gave him what he wanted. It sounds like you pretty
8 handily, without much of a struggle, was able to
9 determine that this was going to be an expensive
10 search, and it was going to involve a lot of
11 documents. If Mr. Jones' first attorney had done what
12 you're doing, I would have been back probably with
13 everyone maybe on January 30th, at which point I would
14 have been told this is going to be -- it's going to
15 take longer, it's nine million, or however many
16 emails, but instead what happened -- and I don't want
17 to beat a dead horse -- is that the deadlines were
18 missed and they were like moving targets. This is --
19 It's just --

20 ATTY. PATTIS: That may explain why there's been
21 a change in counsel.

22 THE COURT: True.

23 ATTY. STERLING: Your Honor, just a few things.
24 Two changes in counsel -- three. But one is, I would
25 ask that with regard to the affidavits that Attorney
26 Pattis mentioned today, could we have those submitted?

27 ATTY. PATTIS: Yes.

1 ATTY. STERLING: And with regard to the
2 plaintiffs and the time we chose to file our
3 complaint, I really think this is not the time to try
4 to turn this on us.

5 ATTY. PATTIS: Well, it bears noting that --

6 THE COURT: No colloquy. Thank you.

7 All right. What else? Anything today? So
8 here's what I don't want to do: I want to put these
9 issues to rest one way or the other. And I had
10 intended to do it today. I'm happy -- and since I'm
11 the one that actually wanted that, we can do it next
12 week. But I understand you're not available, Attorney
13 Pattis, on the 26th?

14 ATTY. PATTIS: Well, here's the story: Mr. Smith
15 and I are trying a case. The jury has been picked.
16 We do not want to be perceived as dogging this file.
17 Attorney Smith indicates tha he'll be here on Tuesday.
18 I would prefer that he not, since --

19 THE COURT: Are you on trial on Monday?

20 ATTY. PATTIS: Yes, all week.

21 THE COURT: Monday, too. Every day?

22 ATTY. PATTIS: Yes.

23 THE COURT: Can I ask what town?

24 ATTY. PATTIS: Yes, Middletown. The case is
25 State vs. Cuson (phonetic spelling). We expect the
26 case, however, to end that week. So the following
27 week is easy for us because it only takes one person

1 to monitor a jury. I would prefer to have Mr. Smith
2 with me, but he'll be here Tuesday if you need him.

3 THE COURT: Well, I think I originally intended
4 to just deal with Mr. Halbig's issues, but it would be
5 helpful if we could maybe even do it at nine o'clock
6 first thing and then you can get right on the road and
7 get to Middletown. Quite frankly, I don't know if you
8 want to do it here or in Bridgeport, whatever will be
9 quicker for you. But I just want to be able to
10 address at that point to see if there's some consensus
11 if the landscape has changed at all. For example,
12 forty-three thousand documents were given and
13 interrogatory answers under oath. I don't want to get
14 into a situation -- I don't want to get into ex parte
15 problems.

16 ATTY. PATTIS: Would you consider calling Judge
17 Suarez in Middletown and ask for an eleven o'clock
18 start date on Tuesday? I'd like to be here myself.
19 I'm the one who's made factual representations to you.
20 And Mr. Smith will do a great job, but I've taken
21 responsibility for this.

22 THE COURT: Let me just see what time -- so it's
23 nine o'clock on Tuesday.

24 Ron, is that here or in Bridgeport.

25 THE CLERK: It's scheduled in Bridgeport.

26 THE COURT: All right. I will do that, but it's
27 in Bridgeport and here's the problem: I can't really

1 change the Tuesday date because I'm concerned about
2 notice to Mr. Halbig. And I don't want him going to
3 the wrong court and the notice said Bridgeport. So,
4 you know, I'm an early bird. I can -- well, I can't.
5 I can't get anybody on the record. This has to be on
6 the record, and I can't get a monitor before nine,
7 but --

8 ATTY. PATTIS: We're happy to go to what we refer
9 to as the devil's backyard or the home court for
10 Koskoff Koskoff & Bieder.

11 Judge, I have a copy of the affidavits. I think
12 there was a request that they be filed.

13 THE COURT: Can you just give me one moment, if
14 you don't mind?

15 ATTY. PATTIS: I'm also handing to counsel the
16 March 6th interrogatory responses, expecting to hear
17 back from them.

18 THE COURT: Your start time with Judge Suarez
19 would otherwise have been ten, right?

20 ATTY. PATTIS: That's my understanding, yes.

21 THE COURT: So I'm sending this to him right now.
22 So just give me a moment.

23 ATTY. STERLING: Your Honor, counsel has handed
24 me interrogatory responses that have handwritten on
25 them "confidential" and "subject to protective order".
26 Is that -- are you claiming them subject to protective
27 order?

1 ATTY. PATTIS: No. I'm simply giving -- I'm not
2 making claims as to this document. I'm complying with
3 rolling discovery. There may be issues as to a
4 protective order I'm not up to speed on. What's more,
5 Judge, these are facially defective for two reasons.
6 Mr. Jones signed them, but there's no attestation that
7 he signed them. I'll be happy to correct that, as
8 well. There's a wrong certification date on it.
9 These were prepared for my signature without my
10 reviewing them. But I want to give the other side the
11 information I have and I'll cure these. But I'm
12 simply giving them what I have to try to tilt the
13 playing field.

14 ATTY. STERLING: But I'm asking just a very
15 specific question, which is, are you claiming they are
16 subject to the protective order because they say
17 confidential and subject to protective order. That
18 affects whether I can file them in court under seal or
19 not.

20 THE COURT: My client wishes that they be so, so
21 I'm making that claim, yes, on his behalf.

22 ATTY. STERLING: Okay.

23 ATTY. PATTIS: But with reservations. I'd prefer
24 to wait until I had a chance to get to the bottom of
25 it myself, but I don't want to (indiscernible).

26 ATTY. STERLING: So the claim --

27 THE COURT: These are just the interrogatories

1 you're talking about.

2 ATTY. STERLING: Yes, your Honor.

3 THE COURT: I think what I was anticipating when
4 I saw you on Tuesday was hopefully new answers under
5 oath with proper -- answers that fully and fairly
6 comply with the interrogatories.

7 ATTY. PATTIS: I'll take care of that.

8 ATTY. STERLING: So I'm handing them back to
9 counsel. I don't have them now.

10 THE COURT: All right.

11 ATTY. PATTIS: I have retrieved them. Thank you
12 for the courtesy, Attorney Sterling.

13 THE COURT: All right. So I'm sure Judge Suarez
14 will get back to me, unless he's out today. As soon
15 as he does, I will tell Mr. Ferraro and he will let
16 you know, but hopefully we can go that way. I think
17 if it works out, we can start right at nine. We'll
18 make it our business to be done in a half an hour.
19 Mr. Ferraro tells me that Mr. Halbig has indicated to
20 him that he doesn't plan on attending. So I'm still
21 going to go forward with the disqualification conflict
22 issue. So it probably will not take long with respect
23 to Mr. Halbig's motions. So it will probably just be
24 addressing this, but I don't want to get into Mr.
25 Halbig's case at all because I don't want to be
26 getting into any of the substance, just the
27 scheduling.

1 ATTY. STERLING: Yes. With regard to scheduling,
2 your Honor, since we understand that Mr. Halbig
3 intends not to be present, or at least that's the
4 representation now, would the Court want argument on
5 the plaintiff's side -- I assume not -- with regard to
6 the motion to dismiss and motion for change of venue?

7 THE COURT: I'm not going to address any of his
8 motions if he's not there. I placed it down for the
9 hearing on the conflict disqualification, and that I
10 need to do for the record. So that's what I plan on
11 doing on that date.

12 Okay. Anything else today? So I will see you
13 hopefully Tuesday at nine and have a wonderful
14 weekend. And we are adjourned.

15 (Court was adjourned.)
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NO: XO6 UWY CV18-6046436-S: NO: XO6 UWY CV18-6046437-S

ERICA LAFFERTY : WILLIAM SHERLACH

V : V

ALEX EMRIC JONES : ALEX EMRIC JONES

* * * * *

NO: XO6 UWY CV18-6046438-S: SUPERIOR COURT

WILLIAM SHERLACH : JUDICIAL DISTRICT OF WATERBURY

V : AT WATERBURY

ALEX EMRIC JONES : MARCH 22, 2019

* * * * *

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in the Superior Court, Judicial District of Waterbury, at Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of March, 2019.

Dated this 27th day of March, 2019, in Waterbury, Connecticut.

A handwritten signature in blue ink, appearing to read "Patricia Sabol", is written over a horizontal line.

Patricia Sabol

Court Monitor

EXHIBIT B

RANDAZZA

LEGAL GROUP

Jay Marshall Wolman, JD
Licensed in CT, MA, NY, DC

24 June 2021

Via Email Only

Christopher Mattei
<cmattei@koskoff.com>

Matthew Blumenthal
<mblumenthal@koskoff.com>

Alinor Sterling
<asterling@koskoff.com>

Re: June 28, 2021 | Deadline for Production of Google Analytics

Dear Counsel,

As discussed today, and as you are aware, the deadline for production of the Google Analytics is on June 28, 2021. The full dataset cannot be produced as an export, which thus means the only method of production is by live access to the dataset for your inspection. And, the Court previously declined to order us to provide you with a log-in. As a result, the only method for your inspection is the sandbox approach referenced during today's deposition. I recall previously making this offer to you, either during a telephone conversation or during the June 2 hearing (the transcript of which we are requesting to verify), but was not memorialized in writing and which Attorney Mattei did not recollect.

This method of inspection is akin to traditional paper discovery, where the requesting party is let into the storeroom of documents organized as kept in the ordinary course of business. You will have full liberty to run whatever searches Google Analytics permits and have full access to inspect the dataset. We envision two possible ways for this sandbox approach--we can provide you with a TeamViewer access to a Free Speech Systems computer connected to the Google Analytics or we can meet you at an agreed-upon location with a clean, new computer, where we will log-in the computer during the period of your inspection.

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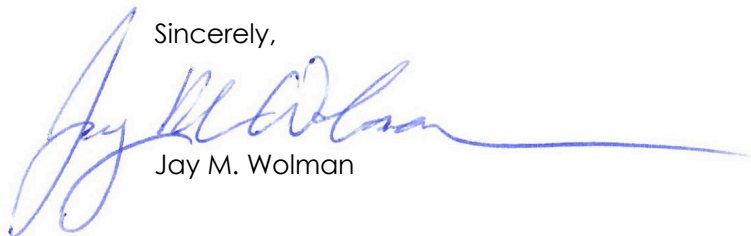
Randazza Legal Group
Page 2 of 2

RANDAZZA
LEGAL GROUP

Let us know which approach you prefer so that we can know if we are to meet up with you on or before the 28th.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay M. Wolman", with a long horizontal flourish extending to the right.

Jay M. Wolman

EXHIBIT C

KOSKOFF KOSKOFF & BIEDER PC

June 25, 2021

Jay Marshall Wolman, Esq.
100 Pearl Street, 14th Floor
Hartford, CT 06103

Re: Erica Lafferty, et al. vs. Alex Emric Jones, et al.

Attorney Wolman:

I write in response to your letter, dated June 24, 2021, concerning data contained in your client's Google Analytics software application.

During yesterday's deposition of Free Speech Systems' corporate designee, you raised for the first time that your client is not prepared to produce its Google Analytics data by June 28 as the Court directed. You had not previously raised this issue with anybody in our office.

As it stands, your client is required to produce that long overdue data by June 28 in accordance with the Court's Order, dated June 2, 2021 (DN 348.10).

We do not agree with your statement that the Google Analytics "cannot be produced as an export." Your position is not consistent with information you provided to the Court on June 2, 2021, nor is it consistent with our understanding of Google Analytics' capability.

Finally, your proposal is not acceptable in any way. You propose to retain sole possession of the data the Court has ordered produced. You propose to permit us to view the data for a limited period of time under conditions you set. You propose to observe us during the period of time we have access to the data in a manner that would allow you to retain a record of our activity.

You proposed this on the evening of Thursday, June 24, and ask that we make ourselves available on or before Monday, June 28.

We expect complete production of the Google Analytics data in compliance with the Court's orders.

Sincerely,



Christopher M. Mattei

EXHIBIT D

RANDAZZA

LEGAL GROUP

Jay Marshall Wolman, JD
Licensed in CT, MA, NY, DC

25 June 2021

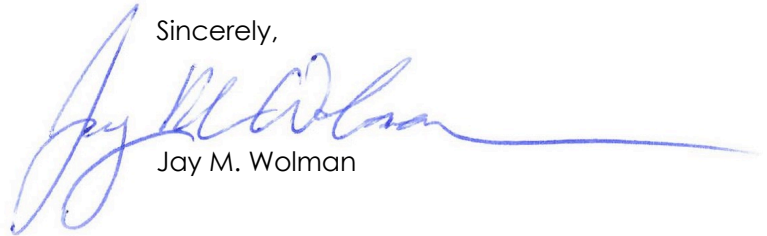
Via Email Only

Christopher Mattei
<cmattei@koskoff.com>

Re: Lafferty v. Jones | Google Analytics

Dear Attorney Mattei:

To be clear, there is no inconsistency. As set forth on June 2, to export the raw data, one must be an Analytics 360 member, i.e. a premium member. Free Speech Systems is not an Analytics 360 member, therefore it is impossible for it to export the data. As further offered on June 2, if Plaintiffs wish to make Free Speech Systems an Analytics 360 member, they have been welcome to do so. This offer was made on the record. Plaintiffs have declined this manner of production so far.

Sincerely,

Jay M. Wolman

cc: mblumenthal@koskoff.com, asterling@koskoff.com

EXHIBIT E

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 7, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

ATTORNEY CHRISTOPHER MATTEI
 ATTORNEY ALINOR STERLING
 Koskoff, Koskoff & Bieder, PC
 350 Fairfield Avenue
 Bridgeport, CT 06604

Representing the Defendants Alex Jones; Infowars, LLC; Free Speech Systems, LLC; Infowars Health, LLC; and Prison Planet TV, LLC:

ATTORNEY KEVIN SMITH
 Pattis & Smith, LLC
 383 Orange Street
 1st Floor
 New Haven, CT 06511

Representing the Defendant Cory Sklanka:

ATTORNEY KRISTAN JAKIELA
 Regnier, Taylor, Curran & Eddy
 100 Pearl Street
 14th Floor
 Hartford, CT 06103

Representing the Defendant Midas Resources, Inc.:

ATTORNEY COLLEEN VELLTURO
 Wilson Elser Moskowitz Edelman & Dicker
 1010 Washington Boulevard
 Stamford, CT 06901

Recorded By:
 Colleen Birney
 Transcribed By:
 Colleen Birney
 Court Recording Monitor
 1061 Main Street
 Bridgeport, CT 06604

1 THE COURT: Lafferty v Jones.

2 ATTY. MATTEI: All here, Your Honor.

3 THE COURT: All right. Just why don't you come
4 on up and identify yourselves for the record, please.

5 ATTY. STERLING: Good morning, Your Honor;
6 Alinor Sterling, Koskoff, Koskoff & Bieder, for the
7 plaintiffs.

8 ATTY. MATTEI: Good morning, Your Honor; Chris
9 Mattei for the plaintiffs.

10 ATTY. JAKIELA: Good morning, Your Honor;
11 Kristan Jakiela, Regnier Taylor, on behalf of Cory
12 Sklanka.

13 ATTY. SMITH: Good morning, Your Honor; Kevin
14 Smith for the Jones defendants.

15 ATTY. VELLTURO: Good morning, Your Honor;
16 Colleen Vellturo for Midas Resources.

17 THE COURT: All right. So tell me what motions
18 need to be adjudicated today. And I do want to just
19 state for the record what is probably clear to
20 everyone at this point. I had said a few times that
21 I thought that there was substantial enough
22 compliance. So in effect I have really extended --
23 had extended the deadlines for the defendant to
24 comply. So that would be my ruling, just for the
25 record, on the issue of the additional time to
26 comply. I understand it's not necessarily 100
27 percent complete compliance, but I think I've seen

1 enough of it at this point to afford the defendants
2 the opportunity to pursue their special motion to
3 dismiss.

4 So tell me what needs to be adjudicated today,
5 which filings.

6 ATTY. MATTEI: Okay. Your Honor, we have docket
7 entry 223. These, I believe, are from the Lafferty
8 docket. 223, that is the Jones defendants' motion to
9 compel compliance, which I think we can deal with
10 pretty quickly. The 227, which is our motion to
11 compel compliance. I believe the Court addressed 234
12 at the last hearing. We filed 235, which is ready
13 for adjudication. And we also filed 236, which I
14 think given the Court's ruling that you just stated
15 and your ruling on 234, we probably have resolved the
16 issues there.

17 THE COURT: So why don't we take up first the
18 issue -- 223 and the privilege log issue.

19 ATTY. SMITH: Yes, Your Honor. Your Honor, we
20 provided a privilege log to the plaintiffs and I
21 believe that Attorney Mattei and Attorney Pattis had
22 a discussion this morning that I was told about on my
23 way here, which I think resolves the issue, if I
24 understand the agreement.

25 THE COURT: Okay.

26 ATTY. MATTEI: Yes, Your Honor. Attorney Pattis
27 and I spoke. He agreed, and I hope this is what he

1 conveyed to Attorney Smith, that the motion to compel
2 compliance can be -- is now moot. They submitted a
3 privilege log. To the extent the plaintiffs wish to
4 claim a waiver, it would be now on us to file a
5 motion to compel disclosure.

6 THE COURT: All right. Okay. So I can cross
7 that off the list.

8 ATTY. SMITH: That's my understanding, Your
9 Honor.

10 THE COURT: All right. Then what's the next
11 matter that's ready to be adjudicated? 227 is it?

12 ATTY. MATTEI: That's correct, Your Honor.

13 THE COURT: And is there a corresponding
14 objection?

15 ATTY. MATTEI: I believe that was filed last
16 night.

17 ATTY. SMITH: Yes, Your Honor. Attorney Pattis
18 filed last evening a response to --

19 THE COURT: That's 239, right?

20 ATTY. SMITH: Yes.

21 THE COURT: And plaintiffs have had an
22 opportunity to read that?

23 ATTY. MATTEI: Yes, Your Honor.

24 THE COURT: And have you had an opportunity to
25 have any discussions after the filing of Attorney
26 Pattis's objection last night?

27 ATTY. MATTEI: I spoke with Attorney Pattis in -

1 - in general about it. My understanding as far as
2 the metadata issue, which I thought we had resolved
3 last week. I defer to Kevin Smith on whether they're
4 renewing the objection to that. But as I understood
5 it, Attorney Pattis said that if the Court is
6 inclined to require them to produce metadata
7 associated with the documents they've already
8 produced, that it would take two weeks to do that.
9 My understanding is that on that issue, we were
10 coming back here today just so they could tell us how
11 long it would take.

12 THE COURT: I -- that was my understanding as
13 well that today we were going to address how long it
14 would take to produce the metadata because I was of
15 the opinion that the metadata should be produced.

16 ATTY. SMITH: Understood, Your Honor. And I
17 think that Attorney Pattis in his filing here
18 believes that we have produced what is reasonably
19 usable, which is what the Practice Book calls for. I
20 indicated to Attorney Pattis what the Court's
21 inclination was. And so you will also note that in
22 our response we said if the Court is going to order
23 that, then we would request an additional two weeks
24 to be able to produce that.

25 THE COURT: So ordered.

26 All right. Next?

27 ATTY. MATTEI: Your Honor, in our motion we next

1 asked that the defendants clarify the source of
2 production for the documents they have produced. You
3 may remember that at an earlier hearing, we raised
4 this issue --

5 THE COURT: Well, I just want to back up for a
6 minute. You're asking for something more than the
7 Practice Book requires. Practice Book requires,
8 right, the production to be made by the party making
9 the production. You're now asking for more details -
10 -

11 ATTY. MATTEI: No.

12 THE COURT: -- where the person who's making the
13 production got the information from? No?

14 ATTY. MATTEI: No, not at all. What we're
15 asking for is clarification as to which defendant has
16 produced the documents, because what they've -- the
17 current state of the record is that they've said all
18 the Jones defendants have produced all the documents.

19 But they've also said that every Jones defendant
20 other than Free Speech Systems is dormant and active
21 and has no function. And so we are left with
22 inconsistent representations about which defendants
23 have produced documents. We believe that the reality
24 is that only Free Speech Systems has produced any
25 documents to us and that the other Jones entities
26 haven't produced any documents. The problem is that
27 they filed responses to our request for production

1 saying that they all have.

2 THE COURT: Well, I think that if the -- if the
3 responses to the request for production are -- if
4 that's the representation, the interrogatories are
5 signed off and the responses to the requests for
6 production have been made by the parties, then I
7 think that's your answer right there. Whether you
8 agree that it was properly done is a different issue.

9 But then you've got to cue that up somehow. But I
10 mean, when -- when it's filed on behalf of a party,
11 if you're now wanting to dig deeper, then you have to
12 dig deeper another way. But you've already given me
13 the answer, which is they've indicated who's filed
14 it. You may disagree with it, but --

15 ATTY. MATTEI: Except that I think they made
16 different -- other representations in court orally.
17 And so if they want to proceed on that basis, it's
18 going to make the depositions a little bit more
19 difficult. But we were just hoping to have some
20 clarification on that issue.

21 ATTY. SMITH: Your Honor, I would stand by our
22 filing. That's -- we've taken the same position as
23 the Court.

24 THE COURT: I think -- I think you stand by the
25 filing. If things were said differently in court,
26 then, you know, you can certainly inquire at the
27 depositions. But I think that what really is -- has

1 more value is what was actually produced and signed
2 off on. So if the indication was that all these
3 defendants have signed off and produced the
4 documents, then that's -- that's what you go on.

5 ATTY. MATTEI: Very well, Your Honor.

6 THE COURT: Okay.

7 ATTY. MATTEI: The next has to do with the
8 manner of production. And this is I think closely
9 related to the metadata issue. Just so Your Honor is
10 aware, so we've received tens of thousands of
11 documents, some of which are bate stamped, some of
12 which are not. The Practice Book requires that
13 materials be produced in a reasonably usable format.

14 THE COURT: Right.

15 ATTY. MATTEI: The biggest issue we see and the
16 one that may, I think, tease it out most clearly is
17 that they produced emails to us. The face sheets of
18 those emails clearly show an attachment was
19 associated with the original email, but the
20 attachment has not been produced with the email
21 itself. And so we don't know whether we've received
22 any attachment. It may -- an attachment to the email
23 may be part of the production, but if it's -- if it's
24 not conveyed to us in a way where we can associate it
25 with the email, it's completely unusable to us. And
26 so what we're asking is for a more rational
27 production that we can actually make sense of.

1 THE COURT: That doesn't seem like an
2 unreasonable request. How can you accommodate that?

3 ATTY. SMITH: Your Honor, I believe, as Attorney
4 Mattei alluded to, that will probably be resolved by
5 virtue of getting everything in the native format
6 with the metadata.

7 THE COURT: All right.

8 ATTY. SMITH: So I think that will fold into
9 that.

10 THE COURT: Let's -- okay. Let's proceed on
11 that with that hope, okay?

12 ATTY. MATTEI: Thank you, Your Honor.

13 THE COURT: Okay.

14 ATTY. MATTEI: The next issue has to do with Mr.
15 Jones's signed interrogatory responses that Attorney
16 Pattis described for the Court and which have not
17 been produced, because Attorney Pattis at the time
18 said I'm not -- I'm not satisfied with these; I'm
19 going to produce other interrogatory responses, which
20 I believe that they have. But the record as it
21 stands right now is that Mr. Jones, a party to the
22 case, signed interrogatory responses that have not
23 been produced to us.

24 THE COURT: Okay. So here's -- this is news to
25 me. So here's what I would say on that. I now
26 retract my prior comments that there has been
27 substantial compliance, good-faith, substantial

1 compliance because any interrogatory responses --
2 anything that's been produced without the client's
3 signature is really meaningless. And I say that
4 every day in every case. So the product -- the
5 responses need to be signed off by the party or
6 they're -- so tell me how you're going to solve that
7 problem.

8 ATTY. SMITH: Well, Your Honor, I think that
9 that's not what Attorney Mattei is representing here.
10 What Attorney Mattei is representing, and Your Honor
11 may recall, when we were in Waterbury --

12 THE COURT: No, I do. I don't want to -- do you
13 agree or disagree that the responses have not been --
14 it's just the interrogatory responses that need to be
15 signed, not the production.

16 ATTY. MATTEI: No. What I'm saying, Your Honor,
17 is that earlier in the discovery process, Mr. Jones
18 apparently completed --

19 THE COURT: No. I don't want to -- I don't want
20 to revisit that. I'm just trying to figure out if
21 there's consensus or not. So the interrogatory
22 responses, have you received them signed by Mr.
23 Jones?

24 ATTY. MATTEI: We've received a version of it,
25 yes.

26 THE COURT: Okay. The current version, the
27 update -- supplemental, current version has -- so I'm

1 getting -- Attorney Smith --

2 ATTY. SMITH: Yes, Your Honor.

3 THE COURT: -- is saying they have been signed.

4 ATTY. MATTEI: Correct.

5 THE COURT: So we have -- so you have signed
6 interrogatories.

7 ATTY. MATTEI: We do have them, yes, a version
8 of them.

9 THE COURT: Okay.

10 ATTY. MATTEI: What we don't have is the version
11 that Mr. Jones previously signed that Attorney Pattis
12 has described for the Court and which were responses
13 to our request for production, they simply declined
14 to produce them.

15 THE COURT: I don't see why they have to. They
16 don't -- they can -- not have to produce. If they --
17 if they're working with their client and they have a
18 set of -- first of all, I thought it was just
19 interrogatory responses that got signed, not
20 production.

21 ATTY. MATTEI: Correct.

22 THE COURT: Okay.

23 ATTY. MATTEI: But what we asked for in our
24 request for production and which the Court authorized
25 were statements like those Mr. Jones made in his
26 interrogatories, which he signed. So in essence what
27 we have is we have a party who has made a signed

1 statement about matters at issue in this case which
2 are responsive to requests for production that have
3 not been produced.

4 THE COURT: Well, you're arguing that it's a
5 signed statement, and I actually don't agree with
6 that. I think that people can work with their
7 clients, have signed versions of interrogatory
8 responses, and if they decide not to let it go any
9 further, they don't have to produce it. I don't
10 think that signing interrogatory responses makes it a
11 statement under the Practice Book. So if he decided
12 that he did not think that those were sufficient
13 discovery responses and wants to rip it up and throw
14 it in the garbage, I don't think there's anything
15 wrong with that. I think that's a normal practice if
16 you don't think that this -- just pulling on my own
17 practice, I would get responses back from my client
18 signed, and I would look at them and I would say I'm
19 not going to turn these over because this is
20 insufficient or whatever. So I would start a new
21 version. And then when I was satisfied that the
22 party had met their obligations under the Practice
23 Book and that nothing was misleading or omitted, then
24 I would produce the interrogatory responses.

25 You're pretty much saying that that's a
26 statement of Mr. Jones and should be produced, and I
27 disagree. So if those were not proper answers, then

1 he can rip them out and throw them out as far as I'm
2 concerned.

3 ATTY. MATTEI: Thank you, Your Honor.

4 THE COURT: Okay. What else?

5 ATTY. MATTEI: The employee chart. We were
6 provided with an employee chart in response to our
7 request for production that -- and which the Court
8 authorized, required a listing of all employees from
9 December 14th, 2012, to the present. What we
10 understand is that they provided us with a list of
11 current employees, not a list that covers the
12 required time period.

13 THE COURT: Okay.

14 ATTY. MATTEI: And so what we're asking for is
15 an update --

16 THE COURT: Attorney Smith, do you agree or
17 disagree that that's what was produced?

18 ATTY. SMITH: I think, Your Honor, as far as I
19 understand, it is not going back entirely to 2012.
20 We have taken that back to the clients and said we
21 need the following. And in our written response
22 here, Attorney Pattis indicates one week. I believe
23 that might be an error. I think he probably meant
24 two weeks given that we're trying to get the metadata
25 and all that within that time period. But whatever
26 the Court orders --

27 THE COURT: How long -- how long is the list of

1 employees to date?

2 ATTY. SMITH: The --

3 THE COURT: Roughly.

4 ATTY. SMITH: -- the list --

5 THE COURT: Just roughly.

6 ATTY. SMITH: Right. So presently the list is
7 like 80 of present employees. And so I don't know
8 exactly how much there would be in that going back to
9 2012. But we expect that that would be produced in
10 the course of doing this data dump for all the
11 metadata.

12 THE COURT: Does that make a difference, a week
13 or two?

14 ATTY. MATTEI: Well, on this one it does because
15 we have depositions scheduled for next week.

16 THE COURT: It's got to be done in advance of
17 the depositions. That's the problem. I mean, as you
18 can imagine.

19 ATTY. SMITH: I can imagine, Your Honor.

20 THE COURT: So what do you suggest? When is the
21 deposition that you need it for?

22 ATTY. MATTEI: The first is scheduled for the
23 15th.

24 THE COURT: So that's next -- a week from
25 tomorrow.

26 ATTY. SMITH: Yes.

27 THE COURT: So I think you've got to do it in a

1 week, at least give them 24 hours beforehand. Okay?

2 ATTY. SMITH: Yes, Your Honor.

3 THE COURT: All right.

4 ATTY. MATTEI: The sixth item I think has been
5 resolved by Attorney Pattis's response.

6 THE COURT: All right.

7 ATTY. MATTEI: And I think that that's it with
8 respect to that motion, Your Honor.

9 THE COURT: All right. What do you have next?
10 Or what do any of the defendants have that needs to
11 be adjudicated?

12 ATTY. MATTEI: So this is number 5, Your Honor.

13 This has to do with their responses to requests for
14 production relating to marketing a business
15 materials. In their response on file with the court,
16 what they've said is we have no records relating to
17 marketing specific to the Sandy Hook massacre. The
18 request for production is much broader than that.
19 And in their filing today they've clarified that we
20 have no -- you have all the marketing materials of
21 any kind that are responsive to this request.

22 I guess what we'd ask is that the request for
23 production be updated to reflect that, just as you
24 had them do previously. And the reason that's
25 important is because we've reviewed the --

26 THE COURT: I agree that it should be updated.

27 I don't think that's burdensome to update it and then

1 there can be no confusion.

2 ATTY. MATTEI: Yeah.

3 ATTY. SMITH: To -- to update as regards to
4 marketing and the analytics, Your Honor?

5 THE COURT: Right. Because the --

6 ATTY. SMITH: If we have some, yes. As a -- to
7 this point, we have provided everything. And then I
8 think that --

9 THE COURT: Right. But I think that you just
10 need to update the production response to indicate
11 that.

12 ATTY. MATTEI: That's correct.

13 THE COURT: That's it. That's not burdensome.
14 Just so there can be no confusion. All right. What
15 else does the plaintiff have?

16 ATTY. MATTEI: That's it, Your Honor.

17 THE COURT: Okay. What do the defense have? I
18 did read Attorney Pattis's comments about having
19 regular status conferences. And listen, I'm happy to
20 have them never or as often as you need them to keep
21 you on track. So I defer -- I've deferred to the
22 group of you every time. I will tell you, every time
23 you've come here, we have needed to tackle these
24 issues. So what's the thought now about the next
25 time we have to reconvene?

26 ATTY. SMITH: I suspect it should be after the
27 depositions. So I would say maybe two weeks, three

1 weeks, whatever --

2 ATTY. MATTEI: I think that's right, Your Honor.

3 THE COURT: Okay. So I leave it to you. If,
4 again, if you want to do it in Waterbury where the
5 case is now pending, look for a Monday or Friday.
6 Otherwise, a Tuesday, Wednesday, or Thursday here.
7 And honestly, I don't care where you do it; whatever
8 works for everyone's schedule is fine with me.

9 All right. Is that it for today?

10 ATTY. MATTEI: Thanks, Judge.

11 ATTY. SMITH: Yes, Your Honor.

12 THE COURT: All right. Good luck.

13

14 *****

15 **(END OF TRANSCRIPT)**

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NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
		OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 7, 2019
.....		
NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
		OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019
.....		
NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
		OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 7th day of May, 2019.

Dated this 17th day of May, 2019, in Bridgeport, Connecticut.



 Colleen Birney
 Court Recording Monitor

EXHIBIT F

**Redacted Pursuant to
Protective Order**

EXHIBIT G

**Redacted Pursuant to
Protective Order**

EXHIBIT H

DKT NO: X06-UWY-CV18046436-S : COMPLEX LITIGATION
ERICA LAFFERTY : JUDICIAL DISTRICT WATERBURY
v. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES : JUNE 2, 2021

DKT NO: X06-UWY-CV186046437-S

WILLIAM SHERLACH
V.
ALEX EMRIC JONES

DKT NO: X06-UWY-CV186046438-S

WILLIAM SHERLACH
V.
ALEX EMRIC JONES

STATUS CONFERENCE

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff (s):
ATTORNEY CHRISTOPHER MATTEI
ATTORNEY ALINOR STERLING

Representing the Defendant (s):
ATTORNEY JAY MARSHALL WOLMAN for the defendant Alex Jones

Recorded and Transcribed by:
Debbie Ellis
Court Recording Monitor
400 Grand Street
Waterbury, CT 06702

1 THE COURT: Good morning everyone. We're on the
2 record in the Lafferty versus Jones matter. So I'm
3 going to ask counsel for the plaintiffs first to
4 identify themselves for the record.

5 ATTY. STERLING: Good morning, your Honor. Alinor
6 Sterling from Koskoff Koskoff and Bieder for the
7 plaintiffs. And with me today is my law partner Chris
8 Mattei.

9 THE COURT: All right. Good morning. And for the
10 Jones defendant.

11 ATTY. WOLMAN: Good morning, your Honor. This is
12 Jay Wolman of Randazza Legal Group for Alex Jones, Free
13 Speech Systems Infowars, Infowars Health and Prison
14 Planet TV.

15 THE COURT: Thank you.

16 And I know we did hear from counsel for Genesis
17 and we informed them that they were not required to
18 participate since the matter today did not involve them
19 and I think they are not participating.

20 So we are on the record with respect to the RFA
21 for motion for protective order entry number 348. So I
22 did read everything. I have the protective order at
23 348. I have the plaintiffs June 1st --

24 ATTY. WOLMAN: You still with us?

25 THE COURT: I'm still here. The camera is a
26 little shaky.

27 June 1st objection and then we have June 2nd

1 objection. Attorney Ferraro, maybe you can help me.
2 Thank you. Attorney Ferraro is the jack of all trades
3 here. He fixes it all.

4 And then I have the supplemental objection that
5 was filed today. So my first question is, Attorney
6 Wolman, have you had an opportunity to review that
7 supplemental objection?

8 ATTY. WOLMAN: I did review it this morning, your
9 Honor, and I don't believe that it necessarily means
10 what the plaintiffs imply it means.

11 THE COURT: Okay. I just want to make sure that
12 you reviewed it. I guess I want to make sure that I
13 didn't miss anything. Those are the filings. And I
14 understand you put it down as an emergency motion.

15 I think I pointed out in the past that when -- and
16 I expect that on occasion we will have very time
17 sensitive things and I appreciate the fact that an RFA
18 was filed, but I think what I had said in the past too
19 if you really have something that's urgent, you're
20 worried about missing a deadline or something, to also
21 e-mail Attorney Ferraro as that e-mail will get right
22 to him and it'll be even more responsive. Although I
23 do think he was very responsive with this.

24 So in the future certainly file your RFA but if
25 you are really looking for a quick ruling, also e-mail
26 Attorney Ferraro and copy each other on it obviously.
27 So I understand that you want a ruling on this. You're

1 not looking to file a reply?

2 ATTY. WOLMAN: Correct, your Honor.

3 THE COURT: Okay. I don't really need argument on
4 it. It was all pretty self-evident. The only thing
5 that I would ask for argument on is the issue that was
6 just raised today in the supplemental objection with
7 respect to the discussions in February and March of
8 2020 with Attorney LaTronica.

9 ATTY. WOLMAN: Yes.

10 THE COURT: Who I believe is from Attorney Pattis'
11 office and plaintiffs' counsel. If that's something,
12 Attorney Wolman, you want to respond to and then I'll
13 also hear from plaintiffs on that issue as well, if you
14 want to.

15 ATTY. WOLMAN: Certainly. Your Honor,
16 Mr. Latronica's e-mails were during the appellate stay
17 on this case. There was no obligation to do anything
18 at that point. Certainly, and once this case returned
19 from the courts of appeals, the Supreme Court of
20 Connecticut. The case still as we dealt with the Midas
21 and Sklanka anti-SLAPP motions precluded discovery from
22 our clients and although your Honor did not reach that
23 issue, that was the position, certainly that had been
24 taken. And we also had a large period between
25 certainly mid-November and early April when this case
26 was again in federal court. But during that entire
27 time we had taken the position that if the supreme

1 court sustained the anti-SLAPP dismissal termination by
2 your Honor, that the discovery request attended to it
3 died with it.

4 And Mr. LaTronica's e-mails do not countermand
5 that or contradict that in any way but rather, in fact,
6 seem almost hopeful that should there be prevailing,
7 and your Honor's order reversed, then of course we'd be
8 back in the discovery phase of this case regarding the
9 anti-SLAPP motion. So, in that contexts his e-mails
10 make perfect sense.

11 And so, while your Honor, on May 14th did rule
12 that, allow the motion to re-compel compliance and
13 overrule our argument, this was certainly an issue of
14 first impression and our belief that this was not a
15 requirement that those discovery requests were not
16 outstanding was a reasonable one. And Mr. LaTronica's
17 e-mails, which were not raised I should note, in
18 response to the motion to re-compel were not raised at
19 that time, should not otherwise affect how the court
20 views this.

21 I should also, because the court asked the parties
22 to essentially meet and confer yesterday, we did do so.
23 And I'd like to certainly report on some of that if I
24 may.

25 THE COURT: Please.

26 ATTY. WOLMAN: We proposed removing certain terms
27 which had the largest hit that would potentially, you

1 know, be the most irrelevant as well; sales, marketing
2 and traffic. The plaintiffs were not willing to do
3 that. They did ask if we could be able to sort, for
4 example, by custodian of records to maybe figure that
5 out. We are unable to sort by e-mail box. We can sort
6 by senders of e-mails and the largest person in that
7 respect would be somewhere in the order of 7,500. I
8 don't think that that really gets us anywhere in terms
9 of narrowing.

10 And on the issue of the Goggle analytics, you
11 know, we finally got a better sense that what they're
12 asking for is to export the entire Google analytics
13 account.

14 And so I have spoken with IT folks and I can
15 report that that is not a feature that Google analytics
16 has, unless you are a premium member. And my
17 understanding is that to become a premium member of
18 Google analytics, one must pay at least \$150,000. If
19 the plaintiffs would like to pay \$150,000 for that
20 membership, and I don't know that that's to be baseline
21 costs, we can entertain that.

22 However, I should note that in terms of the cost
23 benefit relationship of this case as we noted in our
24 motion, we're talking when you look at the amount of
25 sales overall, Sandy Hook did not represent 3 percent
26 of sales. It did not represent three-tenths of a
27 percent --

1 THE COURT: I don't want to interrupt you,
2 Attorney Wolman, but I wasn't going to have argument on
3 the entire motion since there's no argument of right
4 and I just wanted to get your thoughts on what was just
5 filed today with respect to Attorney LaTronica's
6 continued discovery objections. But as I understand
7 your position he was, during the stay, while the case
8 was on appeal with the Connecticut Supreme Court, he
9 was continuing those discovery objections, although
10 there was a stay in the hopes that he won.

11 ATTY. WOLMAN: In the event of a win, then we
12 would have been back in the anti-SLAPP discovery phase.

13 THE COURT: Okay.

14 ATTY. WOLMAN: Certainly it's appropriate for him
15 and our client to consider what do we need to do to
16 then comply with your Honor's orders.

17 THE COURT: Okay. Thank you.

18 Who's arguing for the plaintiffs?

19 ATTY. STERLING: Your Honor, I am.

20 THE COURT: Whenever you're ready.

21 ATTY. STERLING: It's Alinor Sterling for the
22 record.

23 THE COURT: If you want to just narrow your
24 comments to what Attorney Wolman raised. Okay. So he
25 also talked about the Google analytics and the search
26 and --

27 ATTY. STERLING: Yes, your Honor.

1 THE COURT: -- other things. I didn't expect to go
2 that far but certainly.

3 ATTY. STERLING: Yes. So, your Honor, I don't
4 think that Attorney Wolman's reading of Attorney
5 LaTronica's correspondence with us is a fair read. At
6 that time the only discovery, in effect, was the
7 plaintiffs' first set of interrogatories and request
8 for production.

9 And Attorney LaTronica is indicating that the
10 Jones defendants understand they have an obligation to
11 respond to those. It does not indicate that that
12 obligation to respond is contingent on the Supreme
13 Court's Ruling. He simply indicates that they
14 understand they need an ESI consultant and that they
15 need to review discovery in files so that they can get
16 their discovery responses in order.

17 So what your Honor has been presented with is a
18 sort of excuse for not following the court's orders
19 which is that the defendants claim they had interpreted
20 the termination of the anti-SLAPP motion to have
21 necessarily terminated the limited discovery served in
22 connection with that motion. And I'm quoting their
23 filing.

24 Attorney LaTronica's correspondence with us is
25 simply not consistent with that understanding. And so
26 what I am suggesting the court do is not credit that
27 representation which is a representation concerning the

1 Jones defendants' subjective state of mind. And really
2 is presenting an excuse for non-compliance, you know,
3 similarly with regard to the claim that this is a
4 question of first impression.

5 If it's a question of first impression, then and
6 it involves violation of a court order, then the
7 recourse that the Jones defendants had was to make a
8 motion to the court for clarification on what they
9 viewed as a question of first impression.

10 So I'm not going to go further then that, because
11 the court has asked me to limit my remarks in that
12 regard. But from where we stand, these continued
13 excuses look very similar to the excuses that were made
14 in 2019.

15 With regard to the meet and confer yesterday, so
16 it appears that although they understood in 2020 that
17 they needed an ESI consultant, the Jones defendants
18 still don't have one. And this came out in a couple
19 different ways. Number one, counsel was indicating or
20 at least indicated yesterday that he did not understand
21 how to produce the Google analytics data.

22 We have worked with various ESI consultants, data
23 acquisition protocols are available. That can be
24 accomplished, you know, the continued inability to
25 produce that information appears from our perspective
26 to be will. And I would add to that, your Honor, we
27 believe, although we don't know because it's not

1 identified that what was submitted as Exhibit C to the
2 defendants' motion for protective order, which is a
3 printout based on which Attorney Wolman was arguing, is
4 a Google analytics printout.

5 What that demonstrates, it's never been produced
6 to us before. What it demonstrates is that his client
7 has the ability to manipulate the data. If he's
8 indicating that he's completely incapable of finding an
9 ESI consultant and working with a protocol, then maybe
10 we need to return to the idea of giving us a login to
11 the account. I know the court didn't want to do that
12 but that would be one way to access the data. The
13 other would be for them to work with an ESI consultant
14 on a limited basis and come up with a protocol.

15 You know, we were unable to substantively discuss
16 this yesterday because Attorney Wolman didn't have a
17 protocol to provide us with. And by a protocol, I mean
18 a production protocol which is the kind of thing that's
19 used when this kind of information is produced. The
20 lack of an ESI consultant also comes up as a problem,
21 again, when we inquired whether the 300,000 e-mails
22 that Attorney Wolman is referencing were duplicative of
23 anything that's already been produced. That came up in
24 the contexts of considering whether the burden to
25 review might be significantly less because these
26 e-mails may have already been produced.

27 Attorney Wolman was unable to tell us whether any

1 of these 300,000 e-mails have been produced. He just
2 couldn't tell us. You know, there are other ways to
3 deal with the claim of burden based on privilege. You
4 know, one way to alleviate a concern about privilege is
5 simply to sort documents for, you know, attorney's
6 e-mail addresses. That could reduce the burden claimed
7 based on privilege substantially.

8 But again, there was not a proposal presented to
9 us yesterday for a streamlined approach to handling
10 this that we could consider. And after two years of
11 waiting for these documents to be produced, we are at a
12 loss as to how to respond. So I'll suspend my comments
13 there unless the court has questions.

14 ATTY. WOLMAN: Your Honor --

15 THE COURT: I do not.

16 ATTY. WOLMAN: -- may I respond because I believe
17 Attorney Sterling misrepresented what the conference
18 was yesterday.

19 THE COURT: Attorney Wolman. Attorney Wolman, can
20 you wait.

21 ATTY. WOLMAN: Yes, your Honor.

22 THE COURT: Okay. Thank you. I was actually
23 going to tell you that I'll give you an opportunity to
24 respond to Attorney Sterling's arguments but I first
25 would like you to explain to me, if you can, what
26 Exhibit C is.

27 ATTY. WOLMAN: Yes, your Honor.

1 THE COURT: Please.

2 ATTY. WOLMAN: Thank you.

3 Only recently did we have our clients run through
4 Google analytics what basically if you do a search on
5 Sandy Hook to find out how many sales are from referral
6 articles. So if there's an article that uses the term
7 Sandy Hook in it and somebody then goes to the store
8 having read that article and then purchases a product,
9 that would be captured as related as a sale that was
10 generated from that. That is only a piece of data that
11 was generated specifically for the purpose of this
12 litigation and was not something that my clients
13 generally had around.

14 I had asked, can we get this kind of data to find
15 out and then learn as a result, yes, it is three
16 thousands of a percent of all sales are attributable to
17 Sandy Hook as opposed to, for example --

18 THE COURT: No. No. Attorney Wolman, so that is
19 your explanation to the court as to what Exhibit C is?
20 I just want to make sure I'm understanding it.

21 ATTY. WOLMAN: Yes, your Honor.

22 THE COURT: Okay. And then my next question
23 before I will then give you an opportunity to respond
24 to Attorney Sterling's argument is, given the
25 discussions during the stay that Attorney LaTronica had
26 with plaintiffs' counsel and given your statement that
27 this was an issue of first impression, I'm just

1 wondering why the Jones defendants would wait almost
2 six months to even object to the plaintiffs' November
3 12th motion asking for the compliance.

4 ATTY. WOLMAN: Certainly, your Honor. That's --
5 Attorney Sterling says that it was our obligation to
6 raise it as a motion with the court, well, not
7 necessarily on an issue of first impression. Somebody
8 is going to raise it either as -- they're saying that
9 it's still due and we're saying it's not. They move to
10 re-compel, we object.

11 You know, we had met and conferred back in
12 November. We addressed this back in November. The
13 reason why it then took afterwards is, later is because
14 we had removed it to federal court depriving this court
15 of jurisdiction, necessarily terminating that even if
16 they were live discovery requests before this court,
17 they certainly would not have been live discovery
18 requests in the federal court where the April 26th
19 conference had not yet occurred under federal rules of
20 civil procedure. So certainly they would have been
21 improper during that time.

22 Then once this case returned to this court, your
23 Honor sent a briefing schedule and we filed a timely
24 opposition.

25 THE COURT: I'm just trying to figure out if there
26 was a concern that potentially, right, you had this
27 discovery compliance that the clock was ticking on, I

1 agree, not when it was in federal court but at least
2 when it was remanded back, I'm just wondering if there
3 was a concern that deadlines had been missed and that
4 you might be overdue with the answers and that you
5 would want direction on that if you were concerned that
6 you had discovery obligations that were overdue.

7 ATTY. WOLMAN: Well, parties typically, your
8 Honor, do not expend resources when there is not a live
9 discovery issue. So once your Honor issued the order
10 that stated that as a matter of first impression, that,
11 yes, we still had to comply with discovery that was
12 limited to anti-SLAPP motion that it terminated
13 anti-SLAPP motion but that we still necessarily had to
14 continue to produce.

15 We then, went, we are using a discovery vendor,
16 that's a misrepresentation. Exporting Google analytics
17 is not something that is common, your Honor. And it's
18 a misrepresentation to say that we don't have the
19 information because you know what, I asked for was
20 saying how do you want it produced? How? I asked
21 point blank. And she couldn't say how. She said, oh,
22 it's my job to figure it out. No it's not. If you're
23 asking for something, tell me what you're asking for.
24 And then we can follow the instructions. I do this all
25 the time, your Honor. Whenever I ask someone to export
26 their Facebook data, I give them step by step
27 instructions as to how to do that to comply, so that

1 there's never a question that I'm not getting what I'm
2 asking for. So, you know --

3 THE COURT: Can you give me one moment, please,
4 and I'll let you continue.

5 Thank you. On that point, I was just referencing
6 the Practice Book because I thought there were Practice
7 Book provisions that dealt with that issue that you
8 just raised about how, in what form and such, but in
9 any event, go ahead. Continue.

10 ATTY. WOLMAN: Thank you, your Honor.

11 And so we asked for that information as to how
12 they wanted it and she would not provide it saying you
13 figure it out. Throwing her hands up. So, you know,
14 I've asked our IT people and they said that there is an
15 export method and that you have to be a premier member.
16 And it would cost at least \$150,000 to do so.

17 As to the inability to deduplicate based on what
18 Attorney Pattis had produced, we have at this time we
19 have an electronic discovery vendor. At the time
20 Attorney Pattis was doing it, one was not being used.
21 So to be able to integrate what he produced into that
22 and figure out and deduplicate that is not something
23 that we are currently able to do because it's not from
24 the same time.

25 Similarly we cannot simply eliminate and sort for
26 things with attorney's names or domain names on it
27 because it appears often in messages where somebody

1 will forward an e-mail containing privileged matter or
2 reply or something to an e-mail that has privileged
3 information on it. Each individual e-mail does
4 necessarily have to be reviewed and has to be reviewed
5 for relevance as well.

6 And I should also note that I disagree with the
7 reading of Mr. LaTronica's e-mails because they also
8 contemplate that of course there would be discovery in
9 this case afterwards. If your Honor's orders sustained
10 they've served two more sets of discovery, of course
11 there would have to be discovery afterwards.

12 THE COURT: So Attorney Wolman, getting back to
13 the format, did the and I don't have it in front of me,
14 did the request for production specify the form for
15 producing the electronically stored information?

16 ATTY. WOLMAN: No. All they're asking for now is
17 our Google analytics data. So they're asking for
18 expert --

19 THE COURT: -- the point that you raised. When I
20 look at 13-9e, right 13-9 subsection e, if information
21 has been electronically stored and if a request for
22 production does not specify a form for producing a type
23 of electronically stored information, the responding
24 party, right, the Jones defendants, shall produce the
25 information in a form in which it is ordinarily
26 maintained or a form that is reasonably usable. A
27 party need not produce the same electronically stored

1 information in more than one form.

2 So I know you were saying you asked in what form
3 and you didn't get an answer but doesn't the Practice
4 Book control on that?

5 ATTY. WOLMAN: If it's kept in a form not by us.
6 It's not under our control.

7 THE COURT: The Practice Book doesn't --

8 ATTY. WOLMAN: We do not ordinarily maintain it in
9 a form.

10 THE COURT: Attorney Wolman, the Practice Book
11 controls here since it wasn't -- it doesn't matter.
12 You're the producing party and that's what that
13 Practice Book section refers to. So I would just, you
14 should probably just take a look at that if there are
15 any further issues. Okay.

16 ATTY. WOLMAN: It will cost, my understanding is
17 150,000 and the cost should be borne by them.

18 THE COURT: Okay. All right. Anything else, sir?

19 ATTY. WOLMAN: Just that the amount of labor
20 otherwise required is not proportionate to the needs of
21 this case and I want to highlight that again. Three
22 thousands of a percent barely scratches the surface of
23 any justification for the whole theory of the case, is
24 that our clients are somehow motivated to do Sandy Hook
25 stories to get money. Seems like this is a loser of a
26 story in terms of moneymaking. It doesn't make money.
27 There's no evidence of that. We now have this data and

1 so the court should look at it from a cost benefit
2 analysis that all this labor, if it's going to take me
3 if I have to do, you know, April to review 1,000
4 e-mails a day because I've got other cases and I'm the
5 only attorney here admitted in Connecticut, then that's
6 going to take me 300 work days.

7 THE COURT: Okay. So I will rule on it in writing
8 probably within the hour. Okay. Anything else that we
9 need to deal with today that doesn't involve the other
10 defendant, I don't want to have any discussions that
11 will impact him since he's not here? We are all on the
12 same page as to what other filings, the deadlines are
13 for the other filings?

14 ATTY. STERLING: We are, your Honor. This is
15 Attorney Sterling for the record. I have one issue.
16 We will be filing a motion to amend the protective
17 order shortly. We'd like to add an attorneys' eyes
18 only designation. When we do file that, your Honor, I
19 think it would be important to set a briefing schedule
20 because we'd like to have that ruling in place before
21 our clients are deposed or we respond with written
22 production. So I just wanted to flag that to the court
23 and inquire whether we should e-mail Attorney Ferraro
24 when we file it or file an RFA.

25 THE COURT: Can I suggest that you talk to
26 Attorney Wolman first because you definitely don't have
27 any problems agreeing on briefing schedules as far as I

1 can see. So why don't you have that discussion off the
2 record with Attorney -- and also Attorney --

3 ATTY. WOLMAN: Cerame.

4 THE COURT: Thank you. Since he would be involved
5 in that protective order as well. So have the
6 discussion with all counsel in the case and see if you
7 can come to an agreement. You'll file such and such a
8 motion on this date, the objection on this date, the
9 reply on this date or however you're going to proceed
10 and then you can either jointly e-mail Attorney Ferraro
11 or you can file something with the court laying out the
12 deadlines.

13 ATTY. WOLMAN: Your Honor, if I may respond
14 briefly. I'm not necessarily adverse to an AEO
15 designation. In fact, this was part of what we
16 originally sought back in February 2019 and was
17 objected to.

18 THE COURT: Right. The only --

19 ATTY. WOLMAN: One second. May I --

20 THE COURT: No. Attorney Wolman, Attorney Wolman
21 here's the problem.

22 ATTY. WOLMAN: It goes to this issue.

23 THE COURT: No. No. No. Attorney Wolman, I didn't
24 require Attorney Cerame to participate today and we're
25 now touching upon issues that would affect him and I'm
26 very uncomfortable doing that. So just the general
27 concept of reaching out to him with a briefing schedule

1 but I don't want to get into the nuts and bolts of
2 attorneys' eyes only because it would affect him in
3 discovery and I just really am uncomfortable doing that
4 today. So I'm going to stop you there and have you
5 reach out jointly and hopefully you can all get on the
6 same page as to a briefing schedule.

7 ATTY. WOLMAN: Your Honor, it affects the order
8 you're about to issue, though because if there's going
9 to be an attorneys' eyes only provision, we should be
10 entitled to invoke it as well and we'll need to be able
11 to review and mark for that as well.

12 THE COURT: Okay. So I suggest then when we get
13 off the record here, you immediately -- we'll go off
14 the record. You sure can stay on and if you want to
15 try to invite Attorney Cerame to join you right now and
16 you can get a briefing schedule and if you make it
17 expedited enough, you'll get a ruling on the attorneys'
18 eyes only issue in time to satisfy you I'm sure. Okay.
19 Unless anybody has anything else, we're going to go off
20 the record. I'm going to exit. Attorney Ferraro will
21 exit but you can have at least your discussions if you
22 want since I won't be involved in that and if you want
23 to invite the other attorney to participate and then
24 you can get something filed right away, Attorney
25 Wolman.

26 ATTY. WOLMAN: I understand. But the order, your
27 Honor's about to issue, if there's going to be

attorneys' eyes only, we will need time to as part of
this 300,000 e-mail document review to be able to
designate those as well as to the extent some are AEO
appropriately.

THE COURT: Okay. All right. So I am going to go
off the record. Thank you, counsel. Stay well.

ATTY. WOLMAN: Thank you, your Honor.

ATTY. STERLING: Thank you, your Honor.

* * * * *

DKT NO: X06-UWY-CV18046436-S : COMPLEX LITIGATION
ERICA LAFFERTY : JUDICIAL DISTRICT WATERBURY
V. : AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES : JUNE 2, 2021

DKT NO: X06-UWY-CV186046437-S

WILLIAM SHERLACH
V.
ALEX EMRIC JONES

DKT NO: X06-UWY-CV186046438-S

WILLIAM SHERLACH
V.
ALEX EMRIC JONES

E L E C T R O N I C
C E R T I F I C A T I O N

I hereby certify the electronic version is a true and
correct transcription of the audio recording of the
above-referenced case, heard in Superior Court, G.A. 4 of
Waterbury, Connecticut before the Honorable Barbara N. Bellis,
Judge, on June 2, 2021.

Dated this 3rd day of June, 2021 in Waterbury,
Connecticut.



Debbie A. Ellis
Court Recording Monitor

EXHIBIT I

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : AUGUST ²³, 2021

NO. X-06-UWY-CV18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : AUGUST ²³, 2021

NO. X06-UWY-CV-18-6046438-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : AUGUST ²³, 2021

AFFIDAVIT OF JORDAN CAMPBELL

I, JORDAN CAMPBELL, declare as follows:

1. I am over eighteen and believe in the obligation of an oath.
2. I make this affidavit after consideration of the Notice of Compliance dated June 28, 2021 filed by Alex Jones and Free Speech Systems, LLC, and the correspondence between Attorneys Christopher Mattei and Jay Wolman on June 24 and 25, 2021.
3. I am the owner and operator of Good Soup Media, an online marketing agency, in London, Ontario, Canada.
4. I am an expert in the use of Google Analytics and have worked extensively with

the program for 3+ years. I have spent upwards of \$20,000 on online courses and education materials in order to increase my knowledge and expertise in my field. I have been working alongside my clients in their website development, monitoring and advertising efforts including, but not limited to the use of Google Ads, LinkedIn Advertising, Google Analytics, Website Design and Website Maintenance.

5. In connection with the preparation of this affidavit, I have reviewed what I understand to be the production of the Google Analytics summary reports produced to date by Defendant Free Speech Systems, LLC in this litigation, which include one recently produced 5-page document consisting of screenshots of some Google Analytics information (Exhibit A) and one 35-page set of scanned images of more Google Analytics information (Exhibit B). I have also reviewed the Jones defendants' Emergency Motion for Protective Order, to which the 5 pages of Google Analytics screen shots were attached. I have also reviewed the Notice of Compliance concerning the production of Google Analytics data and correspondence between Jay Wolman and Christopher Mattei dated June 24 and 25, 2021 (Exhibits C and D, respectively).

What Google Analytics Does

6. Google Analytics is a web analytics service offered by Google that is specifically built to collect, track, and report on website traffic and visitor information. Google Analytics collects and stores website visitor data. Some well-known examples of data that Google Analytics collects are: Users (number of website visitors), Sessions (number of times the website has been accessed), Average Time Spent on Site, Bounce Rate (percentage of users who leave after one page visit without interacting), Pages/Session (number of pages a user visits before leaving the site) etc.

7. Google Analytics also has an ecommerce tracking function. “Ecommerce tracking is a feature of Google Analytics that tracks shopping activity on your website.” <https://www.hotjar.com/google-analytics/glossary/ecommerce-tracking/>. The sales and payments data collected using the ecommerce function can be used in reports or exported like other Google Analytics data. It appears from the information shown on Exhibit A, in the Revenue column, that a user of the Infowars.com site set up ecommerce tracking within their Google Analytics account, so that ecommerce data is being collected as well.

How to Export Data Collected by Google Analytics

8. Google Analytics data may be exported using the application’s built-in function to export data. This export function allows the user to export the Google Analytics data in 4 different formats: PDF, Google Sheets, XLSX and CSV. Exporting in those formats keeps the data organized and allows it to be manipulated by the recipient, as the original user could do. Clicking the EXPORT button enables direct export of the selected data in a format, *e.g.*, as an Excel spreadsheet, suitable for analysis. Data so exported will be the actual data with 100% accuracy. In order to use the export function, the account user uses the report function to define the data to be exported and clicks the EXPORT button located at the top of the page.

9. Like all Google Analytics users, the users of the Infowars.com Google Analytics account have access to the Export function. The EXPORT button is clearly visible on Exhibit A, as shown through the highlight below:

All accounts > InfoWars Shop

All Web Site Data Loading...

Referral Traffic SAVE EXPORT SHARE EDIT INSIGHTS

ALL + SOURCE: infowars.com

All Users 0.00% Users + Add Segment

Explorer

Summary Site Usage Ecommerce

Users Day Week Month

Primary Dimension: Referral Path Other

Secondary dimension Sort Type: Default

sandy-hook Q advanced 🔍 📄 📊 📅 🔧

Referral Path	Acquisition			Behavior			Conversions		
	Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration	Goal Conversion Rate	Goal Completions	Goal Value
	0 (0.00%)	395 (1.40%)	537 (2.07%)	58.47% (20.30%)	2.80 (1.22%)	00:02:51 (18.00%)	0.00% (0.00%)	0 (0.00%)	\$0.00 (0.00%)
1. /boston-mayor-vice-president-guaranteed-gun-control-reform-before-sandy-hook-shooting/	0 (0.00%)	1 (0.25%)	2 (0.37%)	50.00%	1.50	00:00:07	0.00%	0 (0.00%)	\$0.00 (0.00%)
2. /christie-vetoes-gun-control-bill-angers-sandy-hook-parents/	0 (0.00%)	1 (0.25%)	4 (0.74%)	50.00%	3.00	00:02:16	0.00%	0 (0.00%)	\$0.00 (0.00%)
3. /confirmed-section-of-gotham-renamed-sandy-hook-in-latest-dark-knight-release/	0 (0.00%)	5 (1.27%)	7 (1.30%)	85.71%	2.57	00:00:39	0.00%	0 (0.00%)	\$0.00 (0.00%)
4. /connecticut-town-to-burn-violent-video-games-as-sandy-hook-returns-to-school/	0 (0.00%)	0 (0.00%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
5. /connecticut-tries-to-hide-sandy-hook-truth/	0 (0.00%)	98 (24.81%)	136 (25.33%)	65.44%	2.18	00:02:10	0.00%	0 (0.00%)	\$0.00 (0.00%)
6. /dark-knight-rises-shows-sandy-hook-written-on-map/	0 (0.00%)	2 (0.51%)	2 (0.37%)	0.00%	8.50	00:13:11	0.00%	0 (0.00%)	\$0.00 (0.00%)
7. /exposed-sandy-hook-shooters-biggest-threat-still-lives/	0 (0.00%)	6 (1.52%)	8 (1.49%)	37.50%	5.38	00:03:22	0.00%	0 (0.00%)	\$0.00 (0.00%)
8. /father-of-sandy-hook-victim-asks-read-the-card-seconds-before-tear-jerking-press-conference/	0 (0.00%)	2 (0.51%)	3 (0.56%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
9. /fbi-releases-heavily-redacted-sandy-hook-records/	0 (0.00%)	39 (9.87%)	56 (10.43%)	46.43%	3.41	00:05:19	0.00%	0 (0.00%)	\$0.00 (0.00%)
10. /full-police-investigation-into-sandy-hook-shooting-released/	0 (0.00%)	1 (0.25%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
11. /glenn-back-to-devote-whole-show-to-debunking-conspiracy-theories-about-sandy-hook/	0 (0.00%)	1 (0.25%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
12. /mayan-calendar-sandy-hook-peace-prize-obama-your-entire-reality-has-been-scripted-by-the-manipulation-masters/	0 (0.00%)	1 (0.25%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
13. /msnbc-edits-portrays-gun-owners-as-heckling-father-of-sandy-hook-victim/	0 (0.00%)	1 (0.25%)	1 (0.19%)	0.00%	2.00	00:00:11	0.00%	0 (0.00%)	\$0.00 (0.00%)
14. /newtown-conn-voters-accept-50-million-to-demolish-rebuild-sandy-hook-school/	0 (0.00%)	1 (0.25%)	1 (0.19%)	0.00%	4.00	00:01:08	0.00%	0 (0.00%)	\$0.00 (0.00%)
15. /piers-morgan-admits-he-is-standing-on-the-graves-of-sandy-hook-victims/	0 (0.00%)	1 (0.25%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
16. /revealed-sandy-hook-truth-exposed/	0 (0.00%)	10 (2.53%)	15 (2.79%)	53.33%	3.33	00:02:38	0.00%	0 (0.00%)	\$0.00 (0.00%)
17. /school-shooting-expert-threatened-over-sandy-hook-investigation/	0 (0.00%)	218 (55.19%)	290 (54.00%)	57.59%	2.89	00:02:47	0.00%	0 (0.00%)	\$0.00 (0.00%)
18. /state-of-connecticut-crafts-special-act-to-hide-sandy-hook-evidence/	0 (0.00%)	2 (0.51%)	2 (0.37%)	50.00%	5.00	00:05:59	0.00%	0 (0.00%)	\$0.00 (0.00%)
19. /video-were-crisis-actors-used-in-sandy-hook-massacre/	0 (0.00%)	1 (0.25%)	1 (0.19%)	0.00%	6.00	00:04:51	0.00%	0 (0.00%)	\$0.00 (0.00%)
20. /why-people-think-sandy-hook-is-a-hoax/	0 (0.00%)	4 (1.01%)	4 (0.74%)	75.00%	1.75	00:00:43	0.00%	0 (0.00%)	\$0.00 (0.00%)

Show rows: 50 Go to: 1 - 20 of 20 🔍 📄 📊 📅 🔧

This report was generated on 3/25/21 at 12:29:22 PM. Refresh Report

10. It is my understanding that the Jones defendants have been ordered to produce the data from the relevant Google Analytics accounts for multiple years. While that is a substantial amount of data, by using the free export function described above, a user of the relevant account could easily export complete, accurate and readily useable data as Excel (xlsx) files. In preparation to make this affidavit I considered and tested the export mechanism, and it is simple to use and functions correctly. I believe exporting the data would take a computer literate user following a simple protocol under a week to complete the exports and possibly would require even less time. (By a computer literate user, I mean someone with simple data entry skills.) The development of

an appropriate export approach took me approximately 30 minutes. Following a step-by-step protocol, which could be provided, would be a simple process.

11. The Jones Defendants state in the Notice of Compliance that “Free Speech Systems understands that, to export the dataset, one must be a Google Analytics 360 user. See <https://marketingplatform.google.com/about/analytics/compare/> (noting that “access to raw data” is checked off only for Analytics 360, the non-free solution).” As described above, it is not true that “to export the dataset, one must be a Google Analytics 360 user.” There are multiple ways to export the dataset, one of which I have described above.

The Google Analytics Information that Has Been Produced

12. The Google Analytics information that has been produced in this case has not been produced either in the format in which Google Analytics information is usually stored or in another comparably usable format. Exhibit A appears to be screenshots of what appears to be a Google Analytics report. Exhibit B appears to be image copies of PDF reports. These formats deprive the recipient of the ability to access and manipulate the underlying data directly.

13. The Google Analytics information that has been produced through Exhibits A and B also contain only a tiny fraction of the Google Analytics data that the application collects. For example, the information on Exhibits A and B is not organized day by day, but rather, the information is presented in yearly increments (and in some cases random time intervals). Daily data is available, and provides a far more complete dataset which, if produced in a format, such as Excel files, would be immediately suitable for and ready for analysis. These exhibits also do not provide any data related to Demographics (Age and Gender of website visitors), Location (where in the world the users accessed the website from), Ad Campaign Performance (including keywords used in campaigns and searches used to find the site), Source of the Traffic (where visitors were

before arriving on the Jones Defendants' website), User Interests, Browser and Operating System Information, or Custom Variables (metrics created by the Jones Defendants to track website specific performance). The reports provide very limited information on Individual Page Performance, Language, New vs. Returning Users, and Ecommerce information (sales performance, time to purchase, etc.).

14. Exhibit A, unlike Exhibit B, contains some revenue data. Revenue data is available through Google Analytics' ecommerce function. In order for the ecommerce function to work, the user must set up ecommerce tracking. Google Analytics instructs:

To see Ecommerce data in your Analytics reports, you need to:
Enable Ecommerce for each view in which you want to see data.
Add code to your site to collect the ecommerce data and send it to Analytics. To complete this task, you need to be comfortable editing HTML and coding in JavaScript, or have help from an experienced web developer.

<https://support.google.com/analytics/answer/1009612?hl=en#zippy=%2Cin-this-article>. A user with the technical capability to set up ecommerce tracking would certainly have the technical capability to understand that there are multiple means to export Google Analytics data.


15. The Jones defendants state in their Emergency Motion for Protective Order that "In fact, Defendants' records show that, at most, they made \$342.55 in sales from article and video page referrals that contained the term "Sandy Hook" out of a total of \$10.6 million in overall sales generated from site traffic." In support of this statement, they reference the information that is attached to my affidavit as Exhibit A. (This same information was attached as Exhibit C in support of their Emergency Motion for Protective Order.) For the Google Analytics application to capture e-commerce data – that is, revenue information – for the time period shown on Exhibit A (Dec. 14, 2012 to March 29, 2021), the e-commerce function would have had to be enabled on or before December 14, 2012. If the e-commerce function was enabled throughout that entire period, then there is very significant additional

revenue data available that has not been provided to the plaintiffs. If the e-commerce function was not enabled as of December 14, 2012, then Google Analytics data cannot establish revenue for the entire period, and the claim that revenue is \$342.55 is not supported by Exhibit A.

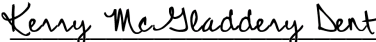
16. Based on the description provided in their correspondence of June 24 and 25, 2021 (Exhibits C and D), the Jones defendants' proposed "sandbox approach" suffers from multiple technical defects. First, it offers the plaintiffs only limited-time access to the data. Second, through mirroring or other methods, it would allow the Jones defendants to observe, surveil, and/or record all the plaintiffs' actions within the Google Analytics account, including any searches or other analysis that the plaintiffs or their experts might perform on the data while they had access to it. Under this arrangement, plaintiffs or their experts would be unable to assure or verify that the Jones defendants did not do so. Having access to this information could give the Jones defendants key insight into plaintiffs' counsel's mental impressions, conclusions, opinions, or legal theories.

17. I attach a copy of my curriculum vitae as Exhibit E.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DocuSigned by:

JORDAN CAMPBELL

Subscribed and sworn to before me this 23 day of August, 2021.

DocuSigned by:

Kerry McGladdery Dent
Notary Public

My commission expires: N/A LSO# 59685G

This affidavit was sworn by the affiant present in the City of London, in the County of Middlesex, in the Province of Ontario, via videoconferencing technology, before me, a Commissioner of Oaths, present in the City of London, in the County of Middlesex, in the Province of Ontario, pursuant to O. Reg. 431/20: Administering Oath Or Declaration Remotely.

This is Exhibit “**A**” referred to in the
Affidavit of Jordan Campbell sworn before me,
this 23rd day of August, 2021.

DocuSigned by:

Kerry McGladdery Dent

A COMMISSIONER FOR TAKING AFFIDAVITS

ALL > SOURCE: infowars.com

All Users

0.00% Users

+ Add Segment

Referral Traffic

Summary Site Usage Ecommerce

Users

Dec 14, 2012 - Mar 29, 2021

Day Week Month

sandy-hook

Primary Dimension: Referral Path

Secondary dimension

Sort Type: Default

Referral Path	Acquisition			Behavior		Conversions			Goal Value
	Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration	Goal Conversion Rate	Goal Completions	
1. /boston-mayor-vice-president-guaranteed-gun-control-reform-before-sandy-hook-s-hooting/	0	395	537	58.47%	2.80	00:02:51	0.00%	0	\$0.00
2. /christie-vetoes-gun-control-bill-angers-sandy-hook-parents/	0	1	2	50.00%	1.50	00:00:07	0.00%	0	\$0.00
3. /confirmed-section-of-gotham-renamed-sandy-hook-in-latest-dark-knight-release/	0	1	4	50.00%	3.00	00:02:16	0.00%	0	\$0.00
4. /connecticut-town-to-burn-violent-video-games-as-sandy-hook-returns-to-school/	0	5	7	85.71%	2.57	00:00:39	0.00%	0	\$0.00
5. /connecticut-tries-to-hide-sandy-hook-truth/	0	0	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
6. /dark-knight-rises-shows-sandy-hook-written-on-map/	0	98	136	65.44%	2.18	00:02:10	0.00%	0	\$0.00
7. /exposed-sandy-hook-shooters-biggest-threat-still-lives/	0	2	2	0.00%	8.50	00:13:11	0.00%	0	\$0.00
8. /father-of-sandy-hook-victim-asks-read-the-card-seconds-before-tear-jerking-press-conference/	0	6	8	37.50%	5.38	00:03:22	0.00%	0	\$0.00
9. /fbi-releases-heavily-redacted-sandy-hook-records/	0	2	3	100.00%	1.00	00:00:00	0.00%	0	\$0.00
10. /full-police-investigation-into-sandy-hook-shooting-released/	0	39	56	46.43%	3.41	00:05:19	0.00%	0	\$0.00
11. /glenn-beck-to-devote-whole-show-to-debunking-conspiracy-theories-about-sandy-hook/	0	1	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
12. /mexican-calendar-sandy-hook-peace-prize-obama-your-entire-reality-has-been-scripted-by-the-manipulation-masters/	0	1	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
13. /msnbc-edit-portrays-gun-owners-as-heckling-father-of-sandy-hook-victim/	0	1	1	0.00%	2.00	00:00:11	0.00%	0	\$0.00
14. /newtown-conn-voters-accept-50-million-to-demolish-rebuild-sandy-hook-school/	0	1	1	0.00%	4.00	00:01:08	0.00%	0	\$0.00
15. /piers-morgan-admits-he-is-standing-on-the-graves-of-sandy-hook-victims/	0	1	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
16. /revealed-sandy-hook-truth-exposed/	0	10	15	53.33%	3.33	00:02:38	0.00%	0	\$0.00
17. /school-shooting-expert-threatened-over-sandy-hook-investigation/	0	218	290	57.59%	2.89	00:02:47	0.00%	0	\$0.00
18. /state-of-connecticut-crafts-special-act-to-hide-sandy-hook-evidence/	0	2	2	50.00%	5.00	00:05:59	0.00%	0	\$0.00
19. /video-were-crisis-actors-used-in-sandy-hook-massacre/	0	1	1	0.00%	6.00	00:04:51	0.00%	0	\$0.00
20. /why-people-think-sandy-hook-is-a-hoax/	0	4	4	75.00%	1.75	00:00:43	0.00%	0	\$0.00

Show rows: 50

Go to: 1

1 - 20 of 20

This report was generated on 3/29/21 at 12:20:22 PM - Refresh Report

All accounts > Infowars Shop

All Web Site Data

Try searching for "acquisition overview"

Loading...

Referral Traffic

ALL * SOURCE: infowars.com

All Users
0.00% Users

+ Add Segment

Explorer

Summary Site Usage Ecommerce

Users

Dec 14, 2012 - Mar 29, 2021

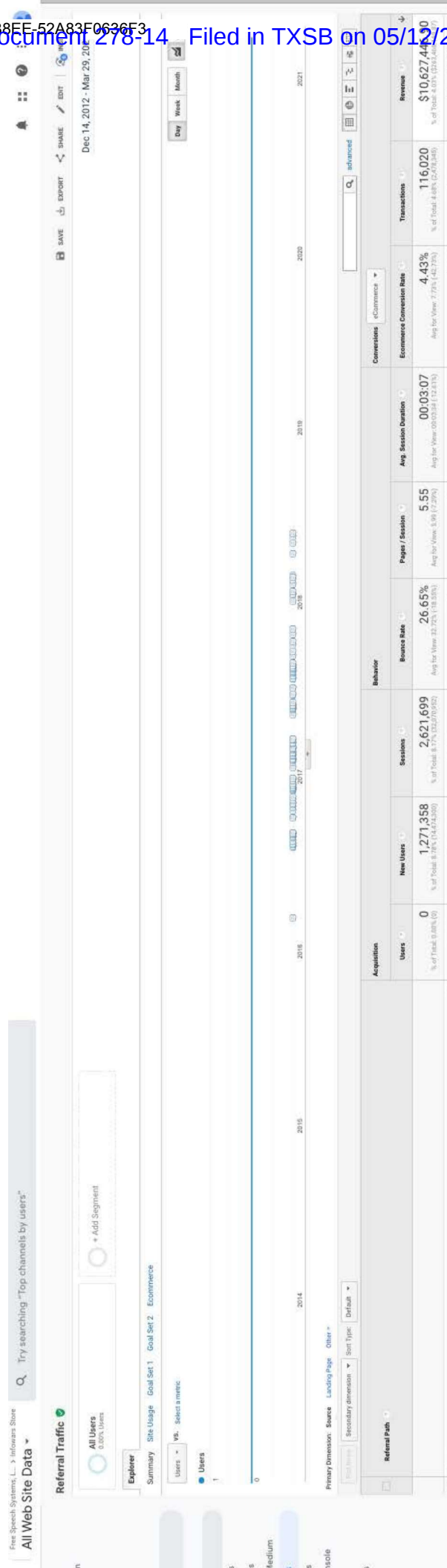
SAVE EXPORT SHARE EDIT INSIDE

Day Week Month

Primary Dimension: Referral Path Other

Secondary dimension Sort Type: Default

Acquisition		Behavior		Conversions				
Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration	Goal Conversion Rate	Goal Completions	Goal Value
0 % of Total: 0.00% (0)	395 % of Total: 0.03% (1,401,851)	537 % of Total: 0.03% (2,097,965)	58.47% Avg for View: 48.61% (20.30%)	2.80 Avg for View: 3.62 (-22.58%)	00:02:51 Avg for View: 00:03:28 (-18.00%)	0.00% Avg for View: 0.00% (0.00%)	0 % of Total: 0.00% (0)	\$0.00 % of Total: (\$0.00)



Free Speech Systems, L.L.C. > Informs Share

All Web Site Data

Referral Traffic

ALL > SOURCE: informs.com

All Users13.07% Users

+ Add Segment

Explorer

SummarySite UsageGoal Set 1Goal Set 2Ecommerce

Dec 14, 2012 - Mar 29, 2021

SAVEEXPORTSHAREEDITRESOURCES

DayWeekMonth

advanced

Users

Primary Dimension: Referral Path

Secondary Dimension: Sort Type

Default

Referral Path

Users

New Users

Success

Bounce Rate

Pages / Session

Avg. Session Duration

Conversion Rate

Threatscore

Revenue

1. / in 1000 software sales sandy hook appeal request/

0

309

520

40.38%

3.82

00:02:06

0.96%

\$342.55

2. / take jones final statement on sandy hook/

0

32

88

43.18%

3.75

00:02:38

2.27%

\$31.50

3. / take jones full statement on fridvaur sandy hook lawsuit/

0

9

10

60.00%

2.50

00:00:42

0.00%

\$0.00

4. / take jones official statement on riku lane and sandy hook/

0

2

4

50.00%

4.50

00:01:20

0.00%

\$0.00

5. / take jones responds to sandy hook with free speech lawsuit/

0

7

11

72.73%

3.45

00:01:11

0.00%

\$0.00

6. / take jones sandy hook trial could change history/

0

3

3

33.33%

1.33

00:00:27

0.00%

\$0.00

7. / confirmed section of govtmm renewed sandy hook is latest dark knight release/

0

1

1

50.00%

1.50

00:00:27

0.00%

\$0.00

8. / connecticut tries to hide sandy hook suzn/

0

7

12

41.67%

4.02

00:01:57

0.00%

\$0.00

9. / conspiracy theorist arrested after calling sandy hook shooting fake/

0

4

4

25.00%

2.50

00:00:13

0.00%

\$0.00

10. / dark knight issues shows sandy hook entities on map/

0

5

5

40.00%

1.80

00:00:36

0.00%

\$0.00

11. / exclusive abc jones responds to sandy hook child porn set up/

0

14

17

64.71%

2.45

00:00:57

0.00%

\$0.00

12. / repeated media caught in huge sandy hook trial fail/

0

0

0

100.00%

1.00

00:00:00

0.00%

\$0.00

13. / take news critic jim acosta claims 1552 miss shootings since sandy hook/

0

0

5

20.00%

5.20

00:03:23

0.00%

\$0.00

14. / rianok lawyer compares san bernardino massacre to sandy hook/

0

1

4

50.00%

4.00

00:00:43

0.00%

\$0.00

15. / father of sandy hook victim asks read the card seconds before hear jk king press conference/

0

2

3

33.33%

4.57

00:01:47

0.00%

\$0.00

16. / the release hourly redacted sandy hook investigation doc/

0

20

26

57.69%

4.62

00:03:57

3.85%

\$150.20

17. / the says no one killed at sandy hook/

0

31

42

54.76%

2.05

00:01:17

0.00%

\$0.00

18. / gtm back to debate while jones is debanking conspiracy theories about sandy hook/

0

1

1

0.00%

2.00

00:00:00

0.00%

\$0.00

19. / rianard claim mitcha about sandy hook children/

0

0

1

0.00%

5.00

00:01:26

0.00%

\$0.00

20. / internet censoring viral sandy hook truth documentary/

0

1

1

0.00%

2.00

00:00:00

0.00%

\$0.00

21. / judge allows sandy hook families to sue reimagining firearms over massacre/

0

77

109

1.83%

4.05

00:00:40

0.00%

\$0.00

22. / judge who docs taken from sandy hook shooter's house must stay silent/

0

1

2

0.00%

2.00

00:00:00

0.00%

\$0.00

23. / five abc jones responds to sandy hook vampire/

0

19

47

51.06%

2.08

00:01:57

2.13%

\$62.41

24. / five satirical broadcast lawyer breaks down the real sandy hook conspiracy movie/

0

5

16

62.50%

3.81

00:02:19

0.00%

\$0.00

25. / major calendar sandy hook justice press obama pose entire reality has been scripted by the manipulation masters/

0

1

1

0.00%

14.00

00:02:57

0.00%

\$0.00

26. / image massive cover up tried the agent investigate sandy hook/

0

3

5

60.00%

1.40

00:00:00

0.00%

\$0.00

27. / main takes a huge suicide of sandy hook dad to smear abc jones/

0

0

3

66.67%

12.67

00:20:46

0.00%

\$0.00

28. / respiratory sandy hook victim dies again in pakistan/

0

3

3

33.33%

2.00

00:00:41

0.00%

\$0.00

29. / my times releases bizzare sandy hook 2nd shooter story/

0

2

5

60.00%

2.80

00:00:49

0.00%

\$0.00

30. / joritsu abc jones tm pool laps out nflwars reared relationship with sandy hook/

0

4

8

37.50%

13.38

00:00:56

0.00%

\$0.00

31. / robert barnes makes major announcements in sandy hook lawsuit/

0

3

3

33.33%

3.00

00:00:23

0.00%

\$0.00

32. / robert barnes makes major announcements in sandy hook media hoax/

0

6

11

100.00%

11.17

00:09:46

16.67%

\$76.44

33. / sandy hook truth book banned by amazon/

0

1

1

0.00%

2.00

00:00:00

0.00%

\$0.00

34. / sandy hook case against boudinwater and why the gun debate is already over/

0

1

1

0.00%

1.33

00:00:00

0.00%

\$0.00

35. / school shooting expert threatened over sandy hook investigation/

0

2

3

66.67%

1.00

00:00:00

0.00%

\$0.00

36. / the sandy hook secret inside nflwars plan to end free speech/

0

1

2

50.00%

3.00

00:00:28

0.00%

\$0.00

37. / nflwars false news pay up man falsely claims abc jones loses sandy hook defamation case/

0

0

1

100.00%

1.00

00:00:00

0.00%

\$0.00

38. / university asks to fire professor for questioning sandy hook/

0

1

1

0.00%

12.00

00:04:29

0.00%

\$0.00

39. / video we need to talk about sandy hook/

0

1

1

0.00%

2.00

00:02:33

0.00%

\$0.00

40. / watch abc jones has respectful message for sandy hook parents/

0

4

4

50.00%

3.07

00:02:15

0.00%

\$0.00

41. / what abc jones really believes about sandy hook/

0

35

42

57.14%

1.33

00:00:38

0.00%

\$0.00

42. / why people think sandy hook is at hoax/

0

3

3

66.67%

4.68

00:05:42

0.00%

\$0.00

43. / youtube censoring sandy hook video/

0

4

12

41.67%

0.00%

0.00

0.00%

\$0.00

Free Speech Systems, L.L.C. > Infoware Store

All Web Site Data

Try searching "Top channels by users"

Loading...

Referral Traffic

ALL > SOURCE infowars.com

All Users
12.63% Users

+ Add Segment

Explorer

Summary Site Usage Goal Set 1 Goal Set 2 Ecommerce

Users

Primary Dimension: Referral Path

Secondary dimension Sort Type: Default

Dec 14, 2012 - Mar 29, 2021

SAVE EXPORT SHARE EDIT INSIGHTS

Day Week Month

sandy-hook Q advanced

Acquisition		Behavior		Conversions	
Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration
0 % of Total: 0.00% (11,963)	309 % of Total: 0.00% (14,470,555)	520 % of Total: 0.00% (32,093,657)	40.38% Avg for View: 32.73% (23.40%)	3.82 Avg for View: 5.59 (-36.21%)	00:02:06 Avg for View: 00:03:34 (-41.20%)
				Ecommerce Conversion Rate	Transactions
				0.96% Avg for View: 7.73% (-87.56%)	5 % of Total: 0.00% (2,478,019)
					Revenue
					\$342,255 % of Total: 0.00% (\$263,239,659.84)

This is Exhibit “**B**” referred to in the
Affidavit of Jordan Campbell sworn before me,
this 23rd day of August, 2021.

DocuSigned by:

A blue ink signature of Kerry McGladdery Dent, written in a cursive script.

~~A~~ COMMISSIONER FOR TAKING AFFIDAVITS

All Users
100.00% Users

Jan 1, 2012 - Dec 31, 2012

Overview

● Users
1,000,000

500,000

March 2012

May 2012

July 2012

September 2012

November 2012

Users

40,152,262

New Users

38,413,391

Sessions

119,107,058

Number of Sessions per User

2.97

Pageviews

284,866,233

Pages / Session

2.39

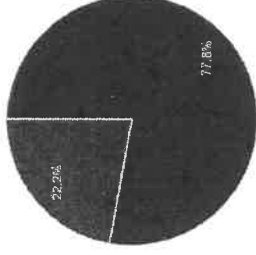
Avg. Session Duration

00:05:22

Bounce Rate

56.41%

■ New Visitor ■ Returning Visitor



Service Provider

Users % Users

1. service provider corporation	1,137,641	13.16%
2. cellco partnership dba verizon wireless	809,503	9.37%
3. comcast cable communications inc.	567,629	6.57%
4. road runner holdco llc	530,693	6.14%
5. sprint nextel corporation	407,969	4.72%
6. at&t internet services	376,275	4.35%
7. verizon online llc	369,602	4.28%
8. (not set)	238,061	2.75%
9. t-mobile usa inc.	208,989	2.42%
10. cox communications	190,163	2.20%



Analytics

<http://www.infowars.com>

www.infowars.com

Go to report

Audience Overview

All Users
100.00% Users

Jan 1, 2013 - Dec 31, 2013

Overview

● Users

3,000,000

2,000,000

1,000,000

March 2013

May 2013

July 2013

September 2013

November 2013

Users

60,896,317

New Users

58,454,408

Sessions

179,324,958

Number of Sessions per User

2.94

Pageviews

436,145,187

Pages / Session

2.43

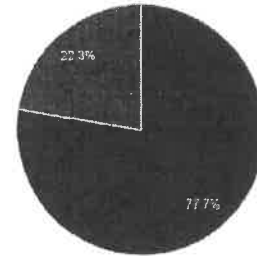
Avg. Session Duration

00:17:02

Bounce Rate

60.25%

■ New Visitor ■ Returning Visitor



Service Provider

Users % Users

1. service provider corporation	2,376,251	10.28%
2. cellco partnership dba verizon wireless	1,569,696	6.79%
3. comcast cable communications inc.	1,294,506	5.60%
4. (not set)	1,269,750	5.50%
5. at&t internet services	1,021,110	4.42%
6. sprint nextel corporation	905,939	3.92%
7. verizon online llc	881,541	3.82%
8. amazon.com inc.	846,380	3.66%
9. time warner cable internet llc	778,211	3.37%
10. road runner holdco llc	646,535	2.80%

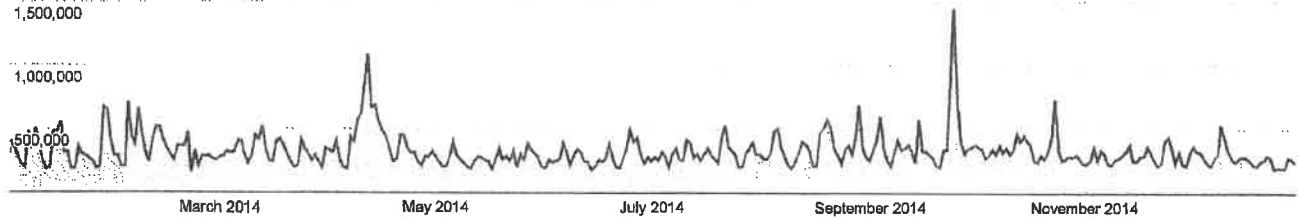
Audience Overview

All Users
100.00% Users

Jan 1, 2014 - Dec 31, 2014

Overview

Users



Users

57,506,817

New Users

55,869,830

Sessions

183,862,383

Number of Sessions per User

3.20

Pageviews

411,548,207

Pages / Session

2.24

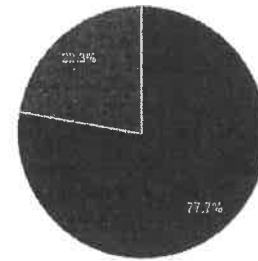
Avg. Session Duration

00:19:31

Bounce Rate

64.73%

■ New Visitor ■ Returning Visitor



Service Provider

Users % Users

1. (not set)	3,446,870	11.36%
2. service provider corporation	2,385,219	7.86%
3. time warner cable internet llc	1,961,074	6.46%
4. cellco partnership dba verizon wireless	1,498,303	4.94%
5. at&t internet services	1,450,113	4.78%
6. comcast cable communications inc.	1,402,659	4.62%
7. sprint nextel corporation	1,311,061	4.32%
8. verizon online llc	1,158,766	3.82%
9. charter communications	867,052	2.86%
10. t-mobile usa inc.	780,604	2.57%

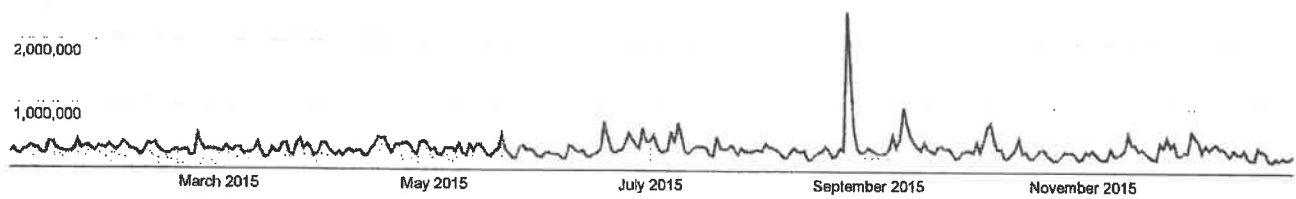
Audience Overview

All Users
100.00% Users

Jan 1, 2015 - Dec 31, 2015

Overview

Users
3,000,000



Users

64,126,790

New Users

62,914,640

Sessions

191,984,644

Number of Sessions per User

2.99

Pageviews

393,422,524

Pages / Session

2.05

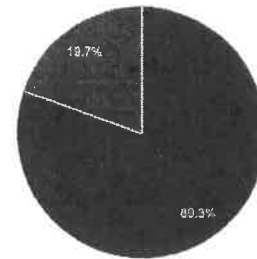
Avg. Session Duration

00:02:50

Bounce Rate

65.06%

New Visitor Returning Visitor



Service Provider

Users % Users

1. (not set)	7,885,701	18.74%
2. time warner cable internet llc	2,246,416	5.34%
3. service provider corporation	2,058,158	4.89%
4. at&t mobility llc	1,707,000	4.06%
5. verizon online llc	1,562,156	3.71%
6. cellco partnership dba verizon wireless	1,420,387	3.38%
7. charter communications	1,174,115	2.79%
8. comcast cable communications inc.	1,131,853	2.69%
9. at&t internet services	1,087,285	2.58%
10. cox communications	795,294	1.89%

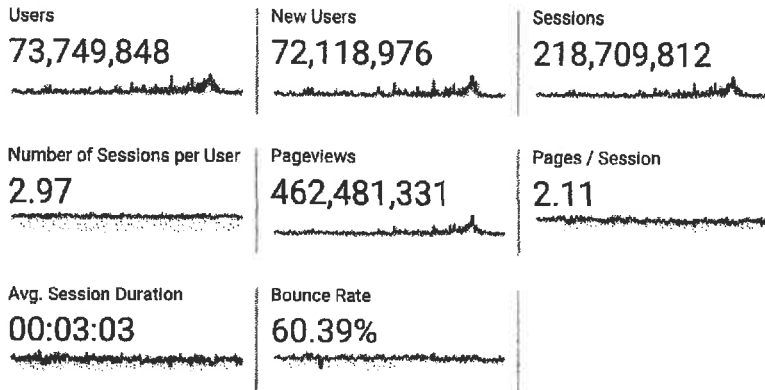
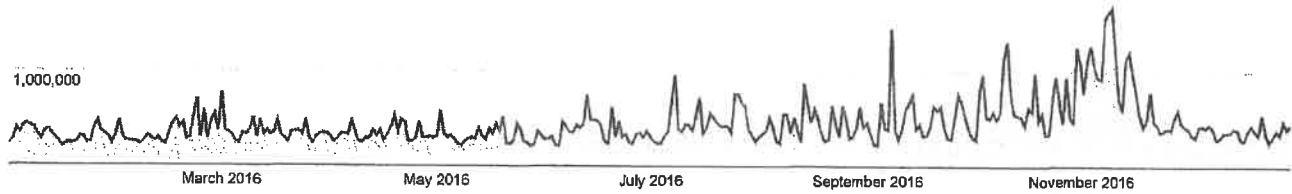
Audience Overview

 All Users
100.00% Users

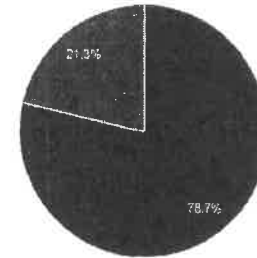
Jan 1, 2016 - Dec 31, 2016

Overview

 Users
2,000,000



 New Visitor  Returning Visitor



Service Provider	Users	% Users
1. (not set)	14,714,613	27.85%
2. time warner cable internet llc	2,772,965	5.25%
3. at&t mobility llc	2,717,392	5.14%
4. service provider corporation	1,999,756	3.79%
5. charter communications	1,660,629	3.14%
6. cellco partnership dba verizon wireless	1,159,158	2.19%
7. comcast cable communications inc.	1,078,205	2.04%
8. mci communications services inc. d/b/a verizon business	1,039,698	1.97%
9. at&t internet services	1,022,195	1.93%
10. comcast ip services l.l.c.	1,010,817	1.91%



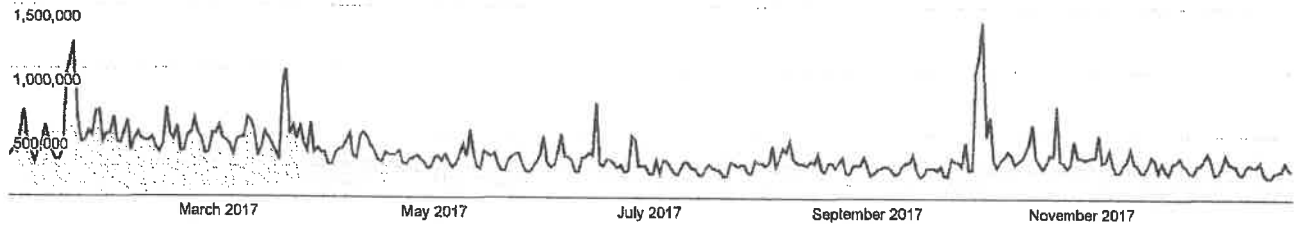
Analytics

<http://www.infowars.com>www.infowars.com

Go to report

Audience OverviewAll Users
100.00% Users

Jan 1, 2017 - Dec 31, 2017

Overview**Users****Users**

54,966,386

New Users

52,108,330

Sessions

178,788,381

Number of Sessions per User

3.25

Pageviews

388,814,008

Pages / Session

2.17

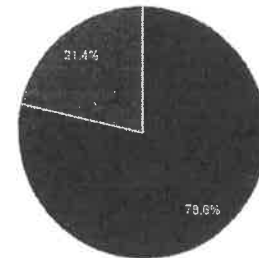
Avg. Session Duration

00:03:04

Bounce Rate

57.48%

■ New Visitor ■ Returning Visitor

**Service Provider****Users % Users**

1. (not set)	12,491,560	34.25%
2. at&t mobility llc	1,787,472	4.90%
3. time warner cable internet llc	1,756,709	4.82%
4. mci communications services inc. d/b/a verizon business	1,071,697	2.94%
5. charter communications	1,022,690	2.80%
6. at&t internet services	680,720	1.87%
7. comcast ip services l.l.c.	618,121	1.69%
8. cellco partnership dba verizon wireless	592,009	1.62%
9. comcast cable communications inc.	580,920	1.59%
10. qwest communications company llc	568,042	1.56%



Analytics

<http://www.infowars.com>www.infowars.com

Go to report

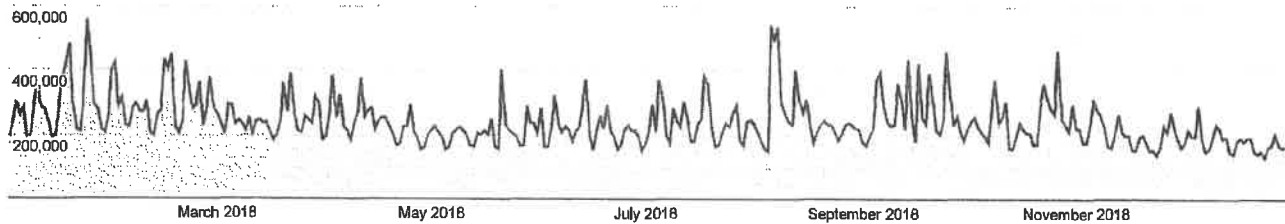
Audience Overview

All Users
100.00% Users

Jan 1, 2018 - Dec 31, 2018

Overview

Users



Users

35,143,582

New Users

33,373,209

Sessions

132,867,188

Number of Sessions per User

3.78

Pageviews

322,660,710

Pages / Session

2.43

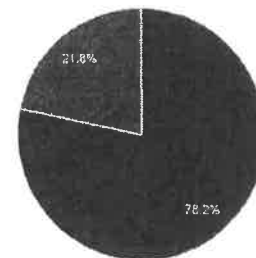
Avg. Session Duration

00:03:20

Bounce Rate

53.46%

New Visitor Returning Visitor



Service Provider	Users	% Users
1. (not set)	4,661,056	19.56%
2. cellco partnership dba verizon wireless	1,562,546	6.56%
3. time warner cable internet llc	1,388,162	5.82%
4. comcast cable communications llc	1,180,283	4.95%
5. at&t mobility llc	815,034	3.42%
6. charter communications	717,740	3.01%
7. mcl communications services inc. d/b/a verizon business	707,107	2.97%
8. at& t mobility llc	605,826	2.54%
9. t-mobile usa inc.	568,875	2.39%
10. at& t corp.	393,428	1.65%



Analytics

Infowars Store

All Web Site Data

Go to report

Audience Overview



All Users
100.00% Users

Jan 1, 2015 - Dec 31, 2015

Overview

Users

30,000

20,000

10,000

March 2015

May 2015

July 2015

September 2015

November 2015

Users

319,533

New Users

319,533

Sessions

481,817

There is no data for this view.

Number of Sessions per User

1.51

Pageviews

2,014,486

Pages / Session

4.18

Avg. Session Duration

00:03:01

Bounce Rate

54.01%

Language

Users % Users

There is no data for this view.

Analytics

Infowars Store

All Web Site Data

Go to report 

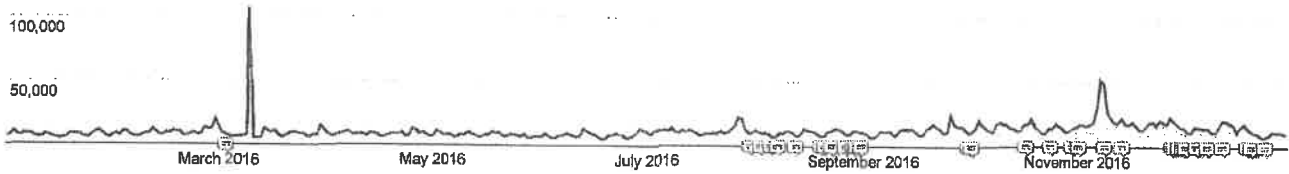
Audience Overview

 All Users
100.00% Users

Jan 1, 2016 - Dec 31, 2016

Overview

 Users
150,000



Users

2,653,423

New Users

2,605,128

Sessions

5,112,772

Number of Sessions per User

1.93

Pageviews

34,287,444

Pages / Session

6.71

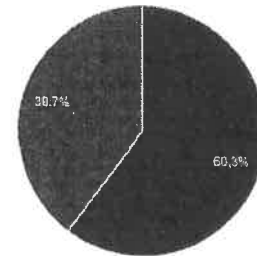
Avg. Session Duration

00:03:48

Bounce Rate

29.52%

 New Visitor  Returning Visitor



Language

Language	Users	% Users
1. en-us	89,342	83.60%
2. c	8,158	7.63%
3. en-gb	3,913	3.66%
4. en-ca	1,855	1.74%
5. en-au	792	0.74%
6. nl	216	0.20%
7. de	215	0.20%
8. en	168	0.16%
9. sv-se	163	0.15%
10. fr	144	0.13%



Analytics

Infowars Store

All Web Site Data

Go to report

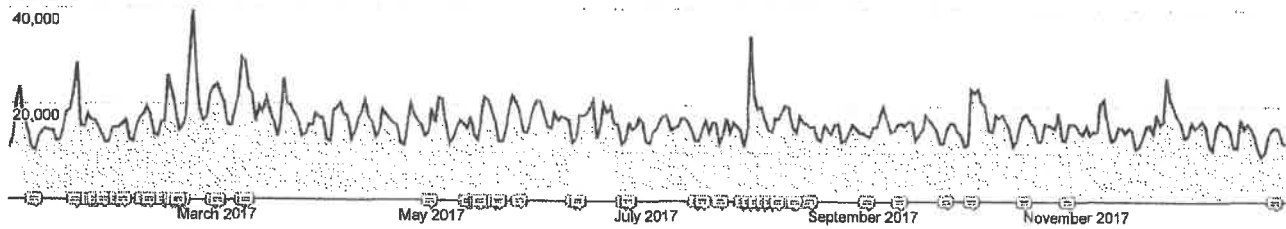
Audience Overview

All Users
100.00% Users

Jan 1, 2017 - Dec 31, 2017

Overview

Users



Users

3,132,247

New Users

3,057,641

Sessions

7,531,369

Number of Sessions per User

2.40

Pageviews

34,282,728

Pages / Session

4.55

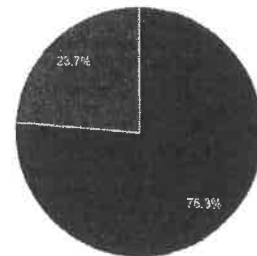
Avg. Session Duration

00:03:42

Bounce Rate

48.64%

■ New Visitor ■ Returning Visitor



Language	Users	% Users
1. en-us	2,780,017	88.50%
2. en-gb	123,241	3.92%
3. en-ca	58,528	1.86%
4. en-au	23,738	0.76%
5. c	21,559	0.69%
6. es-419	10,074	0.32%
7. en	9,623	0.31%
8. es	9,140	0.29%
9. de	8,876	0.28%
10. pt-br	8,249	0.26%

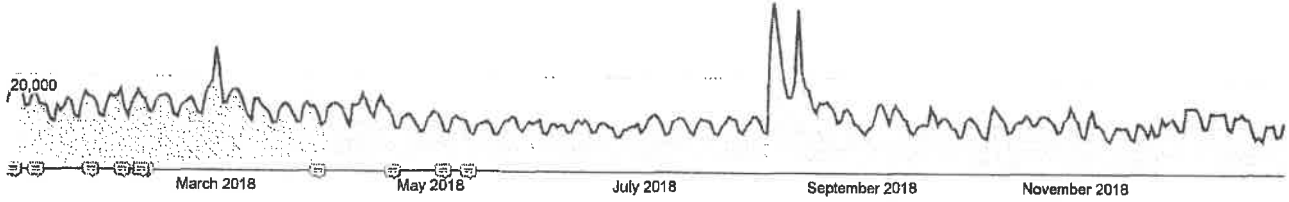
Audience Overview

All Users
100.00% Users

Jan 1, 2018 - Dec 31, 2018

Overview

Users
40,000



Users

2,319,702

New Users

2,249,348

Sessions

5,887,859

Number of Sessions per User

2.54

Pageviews

27,081,597

Pages / Session

4.60

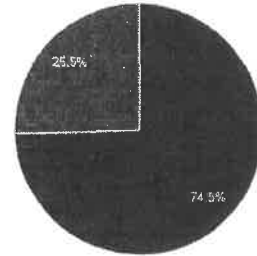
Avg. Session Duration

00:03:37

Bounce Rate

46.86%

New Visitor Returning Visitor



Language	Users	% Users
1. en-us	2,100,574	90.19%
2. en-gb	77,136	3.31%
3. en-ca	45,789	1.97%
4. en-au	18,442	0.79%
5. de-de	7,040	0.30%
6. en	6,950	0.30%
7. sv-se	4,642	0.20%
8. nl-nl	4,504	0.19%
9. pt-br	4,120	0.18%
10. es-es	3,912	0.17%



Analytics

Infowars Shop

All Web Site Data

Go to report

Audience Overview

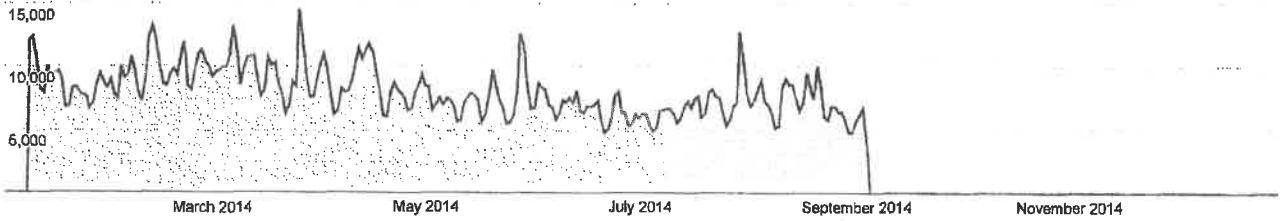


All Users
100.00% Users

Jan 1, 2014 - Dec 31, 2014

Overview

Users



Users

1,402,377

New Users

1,401,792

Sessions

2,097,803

There is no data for this view.

Number of Sessions per User

1.50

Pageviews

7,594,153

Pages / Session

3.62

Avg. Session Duration

00:03:28

Bounce Rate

48.60%

Language

Users % Users

There is no data for this view.



Analytics

Store.Intowars.com

All Web Site Data

Go to report

Audience Overview



All Users
100.00% Users

Jan 1, 2014 - Dec 31, 2014

Overview

● Users

20,000

10,000

March 2014

May 2014

July 2014

September 2014

November 2014

There is no data for this view.

Users

638,543

New Users

633,189

Sessions

1,227,787

Number of Sessions per User

1.92

Pageviews

8,610,108

Pages / Session

7.01

Avg. Session Duration

00:03:20

Bounce Rate

14.19%

Service Provider

Users % Users

There is no data for this view.



Analytics

Store.infonews.com

All Web Site Data

Go to report

Audience Overview



All Users
100.00% Users

Jan 1, 2015 - Dec 31, 2015

Overview

Users

1,000,000

500,000

March 2015

May 2015

July 2015

September 2015

November 2015

Users

12,427,399

New Users

12,366,595

Sessions

31,089,027

There is no data for this view.

Number of Sessions per User

2.50

Pageviews

82,033,098

Pages / Session

2.64

Avg. Session Duration

00:02:52

Bounce Rate

59.53%

Service Provider

Users % Users

There is no data for this view.



Analytics

Store.infowars.com

All Web Site Data

Go to report

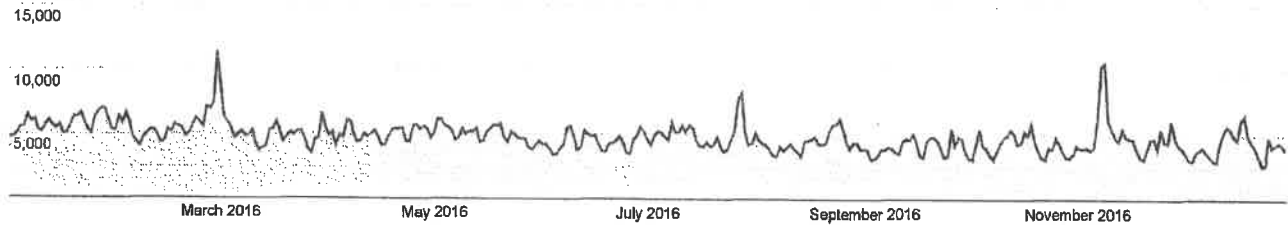
Audience Overview

All Users
100.00% Users

Jan 1, 2016 - Dec 31, 2016

Overview

Users



Users

1,238,750

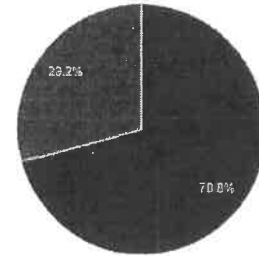
New Users

1,186,990

Sessions

2,064,364

New Visitor
 Returning Visitor



Number of Sessions per User

1.67

Pageviews

15,840,378

Pages / Session

7.67

Avg. Session Duration

00:03:48

Bounce Rate

0.67%

Service Provider

Users % Users

1. (not set)	8,370	35.31%
2. time warner cable internet llc	1,148	4.84%
3. at&t mobility llc	1,118	4.72%
4. charter communications	855	3.61%
5. mci communications services inc. d/b/a verizon business	591	2.49%
6. qwest communications company llc	464	1.96%
7. at&t internet services	453	1.91%
8. cellco partnership dba verizon wireless	389	1.64%
9. comcast ip services l.l.c.	376	1.59%
10. service provider corporation	360	1.52%



Analytics

Store.infowars.com

All Web Site Data

Go to report

Audience Overview

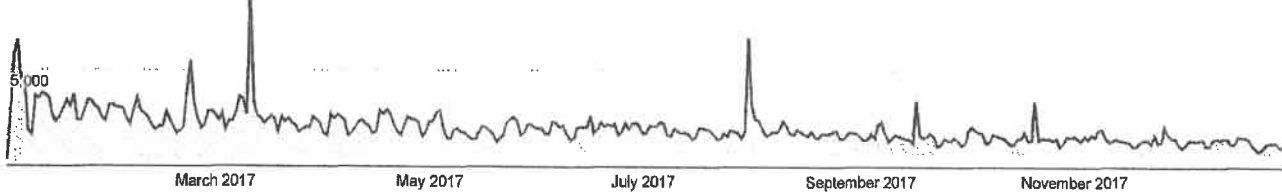
All Users
100.00% Users

Jan 1, 2017 - Dec 31, 2017

Overview

● Users

10,000



Users

573,653

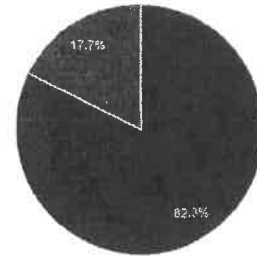
New Users

565,648

Sessions

887,608

■ New Visitor ■ Returning Visitor



Number of Sessions per User

1.55

Pageviews

6,634,137

Pages / Session

7.47

Avg. Session Duration

00:03:26

Bounce Rate

0.24%

Service Provider

Users % Users

1. (not set)	96,570	34.01%
2. time warner cable internet llc	11,541	4.07%
3. at&t mobility llc	9,652	3.40%
4. charter communications	7,875	2.77%
5. mci communications services inc. d/b/a verizon business	6,623	2.33%
6. qwest communications company llc	4,644	1.64%
7. comcast ip services l.l.c.	3,696	1.30%
8. at&t internet services	3,525	1.24%
9. comcast cable communications inc.	3,500	1.23%
10. cellco partnership dba verizon wireless	3,395	1.20%

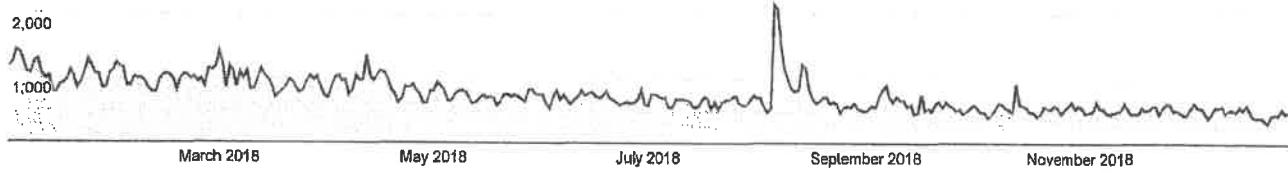
Audience Overview

All Users
100.00% Users

Jan 1, 2018 - Dec 31, 2018

Overview

Users
3,000



Users
219,487

New Users
213,073

Sessions
326,323

Number of Sessions per User
1.49

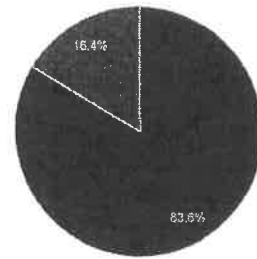
Pageviews
2,161,727

Pages / Session
6.62

Avg. Session Duration
00:02:57

Bounce Rate
0.30%

New Visitor Returning Visitor



Service Provider	Users	% Users
1. (not set)	22,232	19.19%
2. hughes network systems	4,491	3.88%
3. time warner cable Internet llc	4,443	3.84%
4. cellco partnership dba verizon wireless	4,288	3.70%
5. comcast cable communications llc	3,136	2.71%
6. at&t mobility llc	2,397	2.07%
7. charter communications	2,357	2.03%
8. t-mobile usa inc.	2,351	2.03%
9. mci communications services inc. d/b/a verizon business	2,031	1.75%
10. shaw communications inc.	1,842	1.59%

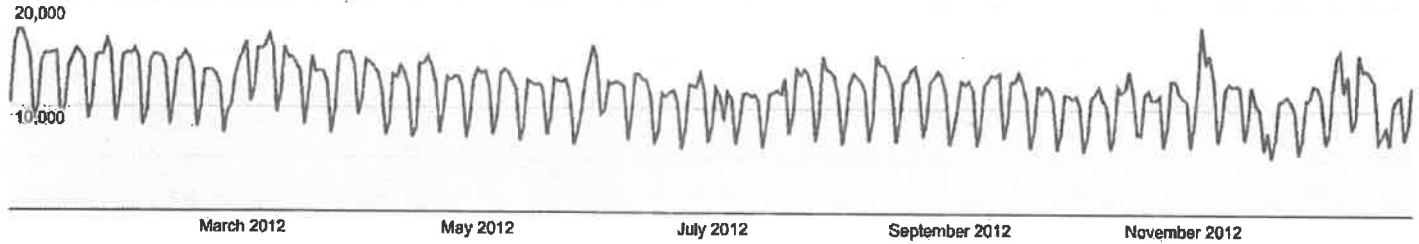
Audience Overview

 All Users
100.00% Users

Jan 1, 2012 - Dec 31, 2012

Overview

● Users



Users

1,764,974

New Users

1,732,093

Sessions

5,786,016

There is no data for this view.

Number of Sessions per User

3.28

Pageviews

9,879,368

Avg. Session Duration

00:01:47

Bounce Rate

57.38%

Language

Tr

% Users

Prison Planet
TV Subscriptions
now
free (late 2019)
- website data

Analytics
prisonplanet.tv

Go to report

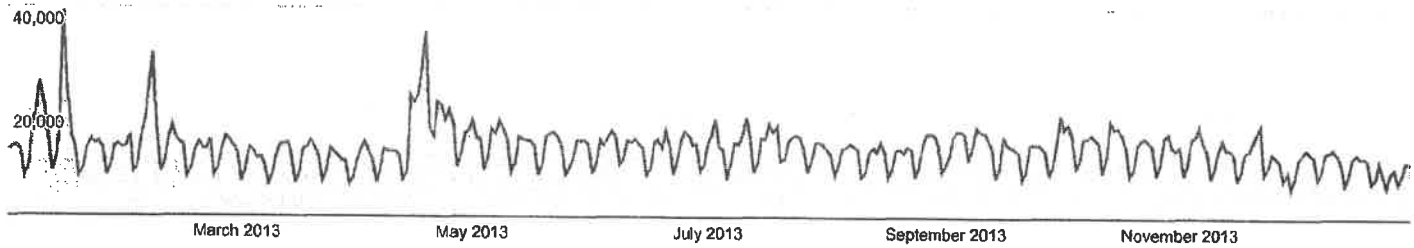
Audience Overview

All Users
100.00% Users

Jan 1, 2013 - Dec 31, 2013

Overview

Users



Users

1,920,622

New Users

1,865,236

Sessions

7,064,061

There is no data for this view.

Number of Sessions per User

3.68

Pageviews

22,317,587

Pages / Session

3.16

Avg. Session Duration

00:03:30

Bounce Rate

30.19%

Language

Users % Users

There is no data for this view.

Analytics
prisonplanet.tvGo to report ☒

Audience Overview

All Users
100.00% Users

Jan 1, 2014 - Dec 31, 2014

Overview

● Users

20,000

10,000

March 2014

May 2014

July 2014

September 2014

November 2014

Users

1,127,638

New Users

1,071,115

Sessions

3,569,978

There is no data for this view.

Number of Sessions per User

3.17

Pageviews

11,021,098

Pages / Session

3.09

Avg. Session Duration

00:03:11

Bounce Rate

30.58%

Language

Users % Users

There is no data for this view.

Analytics All Web Site Data

[Go to report](#)

Audience Overview

All Users
100.00% Users

Jan 1, 2014 - Dec 31, 2014

Overview

● Users

20,000

10,000

March 2014

May 2014

July 2014

September 2014

November 2014

Users

478,463

New Users

478,244

Sessions

1,533,631

There is no data for this view.

Number of Sessions per User

3.21

Pageviews

4,642,383

Pages / Session

3.03

Avg. Session Duration

00:02:44

Bounce Rate

31.90%

Language

Users % Users

There is no data for this view.



Analytics All Web Site Data

Go to report

Audience Overview

 All Users
100.00% Users

Jan 1, 2015 - Dec 31, 2015

Overview

● Users

15,000

10,000

5,000

March 2015

May 2015

July 2015

September 2015

November 2015

Users

1,084,793

New Users

1,058,039

Sessions

3,570,065

There is no data for this view.

Number of Sessions per User

3.29

Pageviews

10,779,174

Pages / Session

3.02

Avg. Session Duration

00:02:36

Bounce Rate

31.81%

Language

Users % Users

There is no data for this view.



Analytics All Web Site Data

Go to report

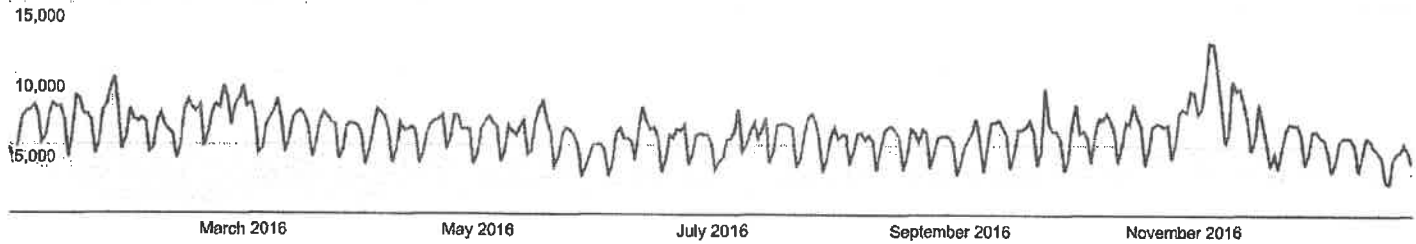
Audience Overview

All Users
100.00% Users

Jan 1, 2016 - Dec 31, 2016

Overview

● Users



Users

926,919

New Users

898,954

Sessions

2,944,151

Number of Sessions per User

3.18

Pageviews

8,423,176

Pages / Session

2.86

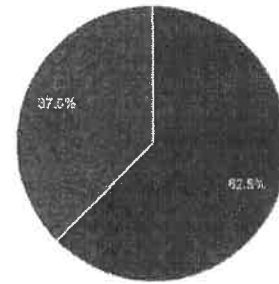
Avg. Session Duration

00:02:18

Bounce Rate

35.69%

■ New Visitor ■ Returning Visitor



Language

Users % Users

1. en-us	25,923	88.41%
2. en-gb	1,257	4.29%
3. en-ca	552	1.88%
4. en-au	206	0.70%
5. en	94	0.32%
6. de	89	0.30%
7. c	86	0.29%
8. fr	73	0.25%
9. nl-nl	66	0.23%
10. nl	59	0.20%

Analytics All Web Site Data

Go to report 

Audience Overview

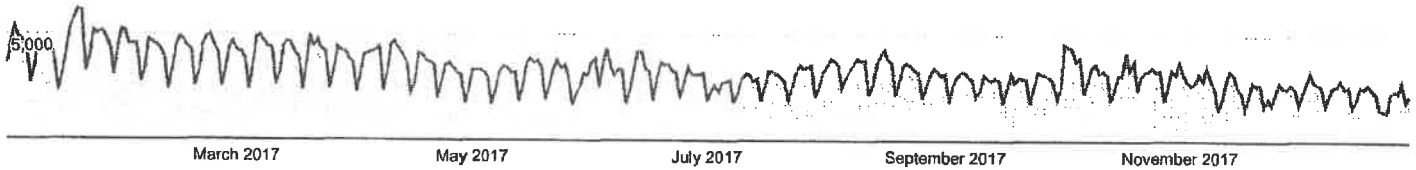
Jan 1, 2017 - Dec 31, 2017

 All Users
100.00% Users

Overview

 Users

10,000



Users
506,221

New Users
490,104

Sessions
1,651,783

Number of Sessions per User
3.26

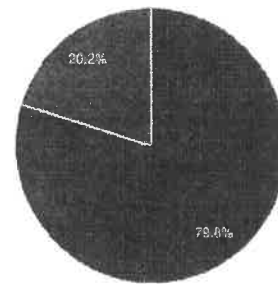
Pageviews
4,764,686

Pages / Session
2.88

Avg. Session Duration
00:02:24

Bounce Rate
35.25%

 New Visitor  Returning Visitor



Language	Users	% Users
1. en-us	449,908	88.66%
2. en-gb	21,075	4.15%
3. en-ca	9,808	1.93%
4. en-au	3,555	0.70%
5. en	1,703	0.34%
6. fr	1,598	0.31%
7. c	1,523	0.30%
8. zh-cn	1,291	0.25%
9. de	1,224	0.24%
10. pt-br	966	0.19%



Analytics All Web Site Data

Go to report

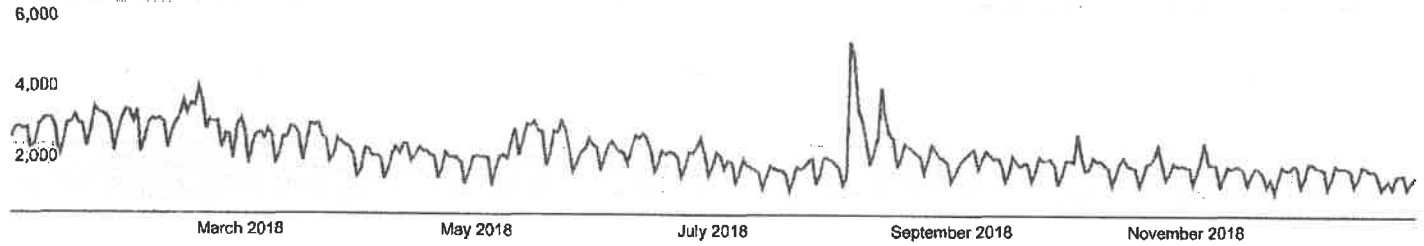
Audience Overview

All Users
100.00% Users

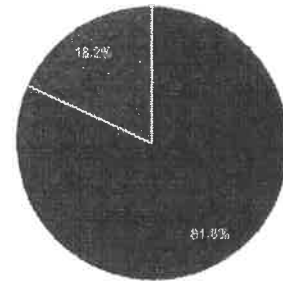
Jan 1, 2018 - Dec 31, 2018

Overview

● Users

Users
287,199New Users
276,141Sessions
918,042Number of Sessions per User
3.20Pageviews
2,722,174Pages / Session
2.97Avg. Session Duration
00:02:38Bounce Rate
36.35%

■ New Visitor ■ Returning Visitor



Language	Users	% Users
1. en-us	261,387	90.59%
2. en-gb	8,739	3.03%
3. en-ca	5,103	1.77%
4. en-au	1,996	0.69%
5. c	1,227	0.43%
6. de-de	791	0.27%
7. nl-nl	636	0.22%
8. fr	635	0.22%
9. pt-br	620	0.21%
10. zh-cn	606	0.21%

Audience Overview

All Users
100.00% Users

Jan 1, 2012 - Dec 31, 2012

Overview

Users

3,000

2,000

1,000

March 2012

September 2012

November 2012

Users

61,002

Number of Sessions per User

1.21

Avg. Session Duration

00:01:07

There is no data for this view.

Infowars Health.com

- web traffic

- largely mas. sells
7s products ; give
12% ant.

Language

Users % Users

There is no data for this view.



Analytics infowarshealth.com

Go to report

Audience Overview

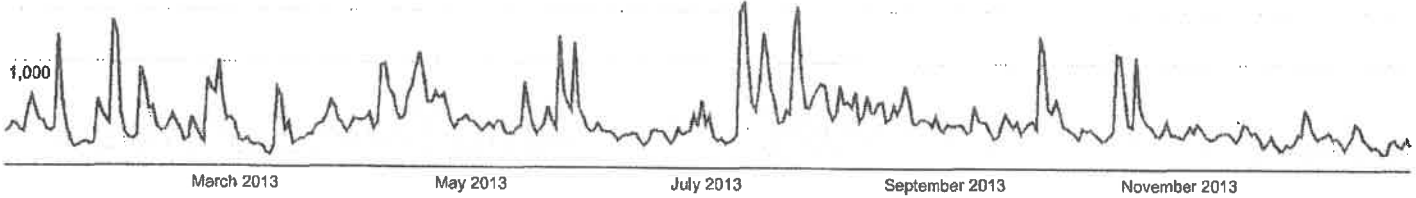
All Users
100.00% Users

Jan 1, 2013 - Dec 31, 2013

Overview

● Users

2,000



Users

135,193

New Users

133,084

Sessions

182,012

There is no data for this view.

Number of Sessions per User

1.35

Pageviews

256,625

Pages / Session

1.41

Avg. Session Duration

00:01:35

Bounce Rate

75.49%

Language

Users % Users

There is no data for this view.



Analytics infowarshealth.com

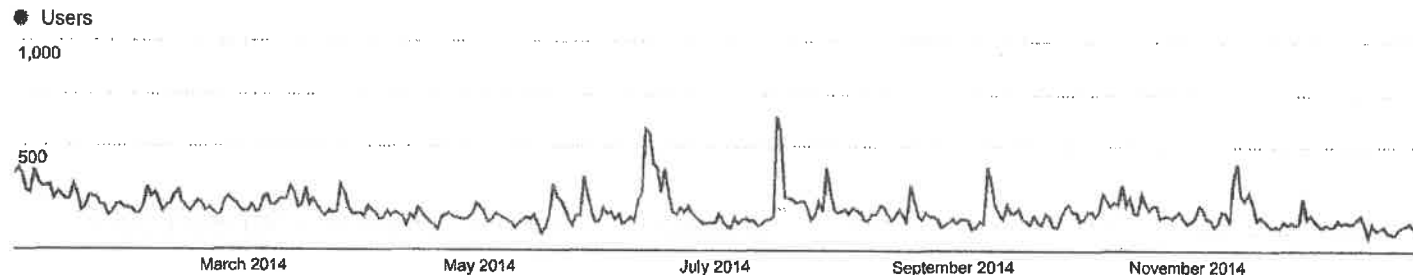
Go to report ☒

Audience Overview

All Users
100.00% Users

Jan 1, 2014 - Dec 31, 2014

Overview



Users

57,814

New Users

55,127

Sessions

75,585

There is no data for this view.

Number of Sessions per User

1.31

Pageviews

105,682

Pages / Session

1.40

Avg. Session Duration

00:01:25

Bounce Rate

75.07%

Language

Users % Users

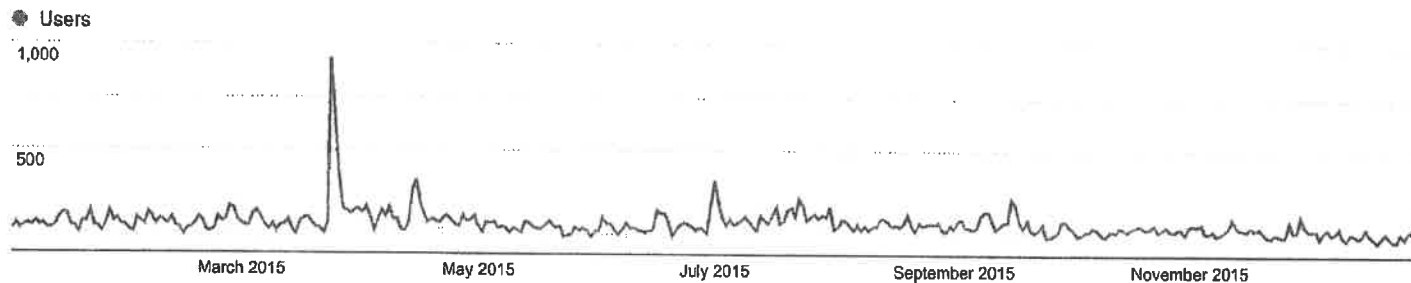
There is no data for this view.

Audience Overview

 All Users
100.00% Users

Jan 1, 2015 - Dec 31, 2015

Overview



Users

44,152

New Users

42,868

Sessions

58,145

There is no data for this view.

Number of Sessions per User

1.32

Pageviews

84,199

Pages / Session

1.45

Avg. Session Duration

00:01:39

Bounce Rate

73.93%

Language

Users % Users

There is no data for this view.

Audience Overview

 All Users
100.00% Users

Jan 1, 2016 - Dec 31, 2016

Overview

● Users

600

400

200

March 2016

May 2016

July 2016

September 2016

November 2016

Users

25,260

New Users

24,727

Sessions

33,387

Number of Sessions per User

1.32

Pageviews

197,181

Pages / Session

5.91

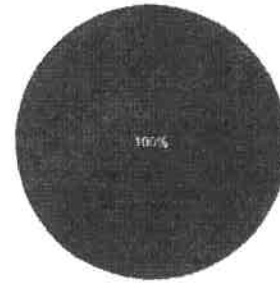
Avg. Session Duration

00:03:09

Bounce Rate

24.73%

■ New Visitor



Language

Users % Users

1. ru	13	76.47%
2. ru-ru	4	23.53%

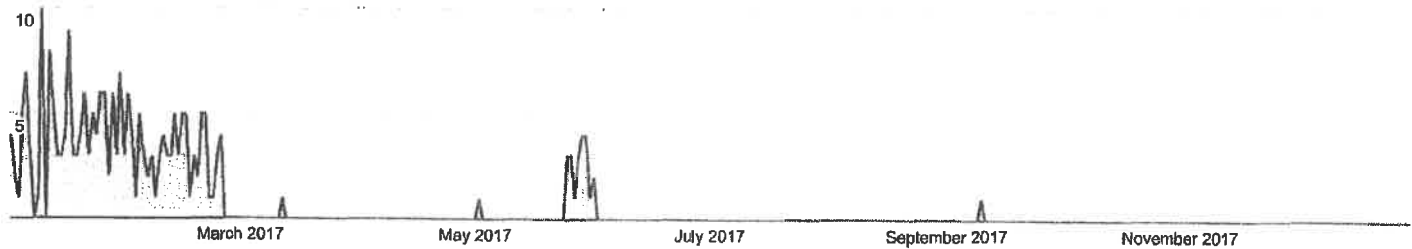
Audience Overview

 All Users
100.00% Users

Jan 1, 2017 - Dec 31, 2017

Overview

Users



Users

220

New Users

218

Sessions

247

Number of Sessions per User

1.12

Pageviews

254

Pages / Session

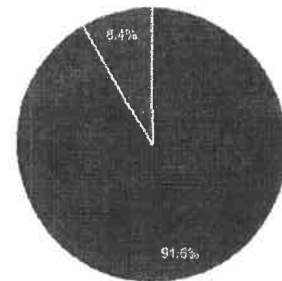
1.03

Avg. Session Duration

00:00:10

Bounce Rate

97.17%

 New Visitor
  Returning Visitor


Language

	Users	% Users
1. ru	160	72.73%
2. ru-ru	55	25.00%
3. en-us	3	1.36%
4. c	1	0.45%
5. zh-cn	1	0.45%

Audience Overview

 All Users
100.00% Users

Jan 1, 2018 - Dec 31, 2018

Overview

● Users

1

0.5

March 2018

May 2018

July 2018

September 2018

November 2018

Users

2

New Users

2

Sessions

2

Number of Sessions per User

1.00

Pageviews

3

Pages / Session

1.50

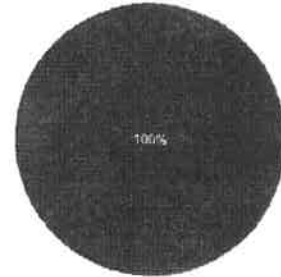
Avg. Session Duration

00:00:04

Bounce Rate

50.00%

■ New Visitor



Language

Users % Users

1. en-us

2

100.00%

[REDACTED]

August 16, 2018

[REDACTED]

VIA FEDEX

Philipp Schindler
Senior Vice President
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Schindler:

We represent Free Speech Systems, LLC ("Free Speech") in certain federal court matters. Free Speech has forwarded to us your letter of August 9, 2018 regarding notice of termination of a Content Hosting Services Agreement ("CHSA"), dated December 12, 2013 and as amended on July 24, 2015. In accordance with its obligations in the court cases referenced above (as well as other litigated matters), Free Speech is required to preserve evidence including documents and videos posted pursuant to the CHSA.

It is not clear from your letter the specific grounds upon which Google is relying to terminate the CHSA. It is also not clear what is meant by your statement that "your Content Owner will be dissolved, but any active channels within that Content Owner and any live videos on those channels will remain." Please clarify what you mean by this statement and send us a copy of the CHSA, including all amendments, and any other documents that define "Content Owner" as referenced in the statement above.

Further, in light of its preservation obligations, Free Speech asks that Google refrain from deleting, destroying, dissolving, or otherwise rendering inoperable any videos or other documents posted by Free Speech or Alex Jones (or others at their direction) until Free Speech has retrieved all of the materials. We understand that Free Speech is currently unable to access these materials because its account is frozen.

You can email a copy of the CHSA to me at [REDACTED]. Please do so as soon as possible.

[REDACTED]



EXHIBIT

2158

August 16, 2018
Page 2

Thank you for your attention to this matter and please feel free to contact me if you have any questions or would like to discuss further.

Sincerely,



Partner



August 9, 2018

Via Federal Express and Email

Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

Attn: Alex Jones and Buckley Hamman
Free Speech Systems, LLC ("Partner")
3019 Alvin DeVane Blvd Suite 350
Austin Texas 78741

alexjones76@gmail.com, buckley@infowars.com

Attention: Legal Department
Re: Termination of Content Agreements

Dear Sir

We write on behalf of Google LLC f/k/a Google Inc. ("Google") to inform you that we are exercising our contractual rights to terminate the Content Hosting Services Agreement ("CHSA"), dated December 12, 2013, and as amended on July 24, 2015. This letter serves as written notice that Google is exercising its right to terminate the CHSA on 30 days prior written notice under section 11.2.

Accordingly, the CHSA will be terminated as of **September 10, 2018**. The Sections that are described as surviving in the CHSA will survive termination. Upon termination, your Content Owner will be dissolved, but any active channels within that Content Owner and any live videos on those channels will remain.

This notice is not a waiver of any claims or defenses available to Google, including those set forth under the agreements

Signed by an authorized representative of Google:

By:

Name:

Digitally signed by
Authorized Representative

2018.08.10

07:08:00 -07'00'

Date:



This is Exhibit “C” referred to in the
Affidavit of Jordan Campbell sworn before me,
this 23rd day of August, 2021.

DocuSigned by:

Kerry McGladdery Dent

A COMMISSIONER FOR TAKING AFFIDAVITS

RANDAZZA

LEGAL GROUP

Jay Marshall Wolman, JD
Licensed in CT, MA, NY, DC

24 June 2021

Via Email Only

Christopher Mattei
<cmattei@koskoff.com>

Matthew Blumenthal
<mblumenthal@koskoff.com>

Alinor Sterling
<asterling@koskoff.com>

Re: June 28, 2021 | Deadline for Production of Google Analytics

Dear Counsel,

As discussed today, and as you are aware, the deadline for production of the Google Analytics is on June 28, 2021. The full dataset cannot be produced as an export, which thus means the only method of production is by live access to the dataset for your inspection. And, the Court previously declined to order us to provide you with a log-in. As a result, the only method for your inspection is the sandbox approach referenced during today's deposition. I recall previously making this offer to you, either during a telephone conversation or during the June 2 hearing (the transcript of which we are requesting to verify), but was not memorialized in writing and which Attorney Mattei did not recollect.

This method of inspection is akin to traditional paper discovery, where the requesting party is let into the storeroom of documents organized as kept in the ordinary course of business. You will have full liberty to run whatever searches Google Analytics permits and have full access to inspect the dataset. We envision two possible ways for this sandbox approach--we can provide you with a TeamViewer access to a Free Speech Systems computer connected to the Google Analytics or we can meet you at an agreed-upon location with a clean, new computer, where we will log-in the computer during the period of your inspection.

//

//

//

//

//

100 Pearl Street, 14th Floor, Hartford, Connecticut 06103

jmw@randazza.com | 702.420.2001

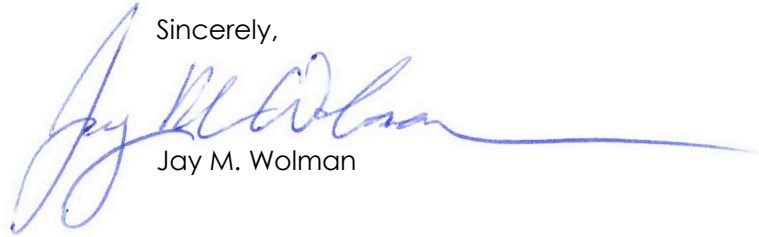
Randazza Legal Group
Page 2 of 2

RANDAZZA
LEGAL GROUP

Let us know which approach you prefer so that we can know if we are to meet up with you on or before the 28th.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay M. Wolman", with a long horizontal flourish extending to the right.

Jay M. Wolman

This is Exhibit “D” referred to in the
Affidavit of Jordan Campbell sworn before me,
this 23rd day of August, 2021.

DocuSigned by:

Kerry McGladdery Dent

A COMMISSIONER FOR TAKING AFFIDAVITS

RANDAZZA

LEGAL GROUP

Jay Marshall Wolman, JD
Licensed in CT, MA, NY, DC

25 June 2021

Via Email Only

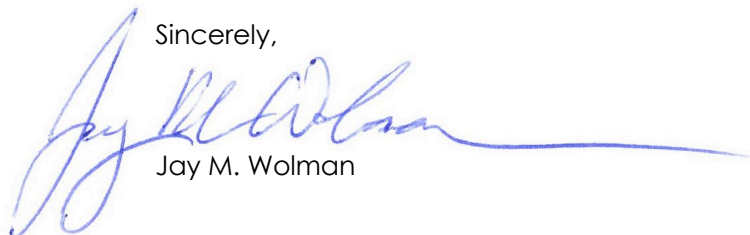
Christopher Mattei
<cmattei@koskoff.com>

Re: Lafferty v. Jones | Google Analytics

Dear Attorney Mattei:

To be clear, there is no inconsistency. As set forth on June 2, to export the raw data, one must be an Analytics 360 member, i.e. a premium member. Free Speech Systems is not an Analytics 360 member, therefore it is impossible for it to export the data. As further offered on June 2, if Plaintiffs wish to make Free Speech Systems an Analytics 360 member, they have been welcome to do so. This offer was made on the record. Plaintiffs have declined this manner of production so far.

Sincerely,



Jay M. Wolman

cc: mblumenthal@koskoff.com, asterling@koskoff.com

This is Exhibit “E” referred to in the
Affidavit of Jordan Campbell sworn before me,
this 23rd day of August, 2021.

DocuSigned by:

Kerry McGladdery Dent

A COMMISSIONER FOR TAKING AFFIDAVITS

Jordan Campbell

275 Callaway Road, Unit 80 • London, Ontario CANADA N6G 0N8
Phone: (1) 416-500-2105 • E-Mail: goodsoupmedia@gmail.com

Experience

Digital Marketing Consultant
Good Soup Media – London, Canada

2017 - Present

Development and implementation of online marketing strategies for companies across North America including the use of Google Search and Display Ads, LinkedIn Sponsored Content and Sponsored Messaging Ads, Google Analytics tracking, Facebook Advertising and Email Campaign Planning & Distribution. Providing website design and website analysis services.

- Designing unique and custom-made online marketing strategies for clients
- Set-up and install appropriate website-based tracking tags for Google Analytics and ads purposes
- Detailed weekly reporting on campaign results and impact on website/landing page traffic

Education

Digital Social Media Consulting Course (DSMC)

Tai Lopez Knowledge Society - Online

2019

Focus on the latest software developments for streamlining workflows and developing the most up to date advertising strategies. Strategic planning for ad campaign design and metrics reporting.

Social Media Master Plan Seminar

Tai Lopez Knowledge Society - Seminar

2018

In person intensive course designed to provide the latest and hands on experience in working with all online advertising platforms and data tracking/analysis programs (including Google, Facebook, Instagram, Snapchat, Twitter etc.) Detailed one-on-one coaching from professional online marketers.

Social Media Marketing Agency (SMMA)

Tai Lopez Knowledge Society - Online

2016-2017

Had the opportunity to learn some of the most cutting-edge sales strategies and online marketing techniques based on the latest cognitive research and software tools available from one of the most successful online marketers of the last decade, Tai Lopez.

Skills

- Google Analytics
- Google Ads
- LinkedIn Advertising
- Facebook Business Manager
- Website Design
- Email Marketing
- Social Media Content Development

EXHIBIT J



RADIO SHOWNEWSVIDEOSSTORE

BREAKING NEWSCONTACT

WATCH LIVE

BREAKING

STORE

GOOGLE'S ANALYTICS PROVE INFOWARS HAS NO SANDY HOOK MARKETING Specialist destroys MSM agenda

The Alex Jones Show - JUNE 12, 2019



IMAGE CREDITS: TSTOKES / PIXABAY.

Michael Zimmerman joins Alex Jones live in-studio to show and prove how, contrary to Democrat attorneys and judges, Infowars has no alleged 'Sandy Hook marketing' and makes no money from Sandy Hook video views, which happen to be less than 1% of all views.





Don't miss:

Fake News Exploits Generational Tech Gap To Smear Alex Jones

Many of America's governmental representatives are not familiar with how modern social media and Big Tech algorithms actually work. Alex exposes how fake news can be used to smear him and other patriots because of the [generational technology gap](#).



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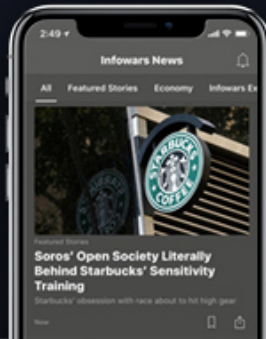
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**DAVID KNIGHT SHOW:
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In Show Of "Goodwill," Beijing Exempts US Pork, Soybeans From Trade-War Tariffs

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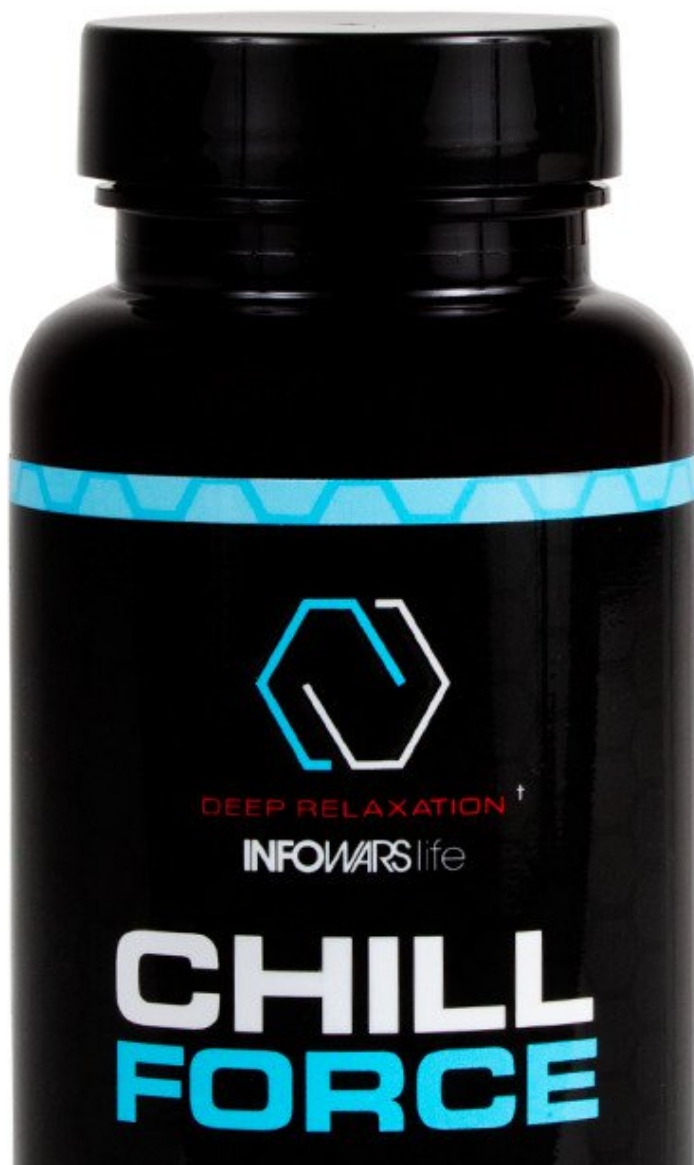
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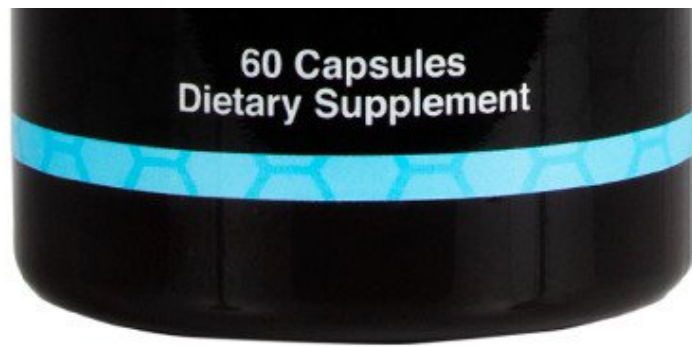
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On Sale: \$23.97

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- ☐ Andrew Yang
- ☐ Cory Booker
- ☐ Elizabeth Warren
- ☐ Joe Biden
- ☐ Amy Klobuchar
- ☐ Julian Castro

– Julian Castro

- Bernie Sanders
- Kamala Harris
- Pete Buttigieg
- Beto O'Rourke

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